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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, FIRST SESSION

SENATE—*Thursday, May 28, 1987*

The Senate met at 9:15 a.m. and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Our prayer today will be offered by Chaplain Donal "Jack" Squires, lieutenant colonel, U.S. Air Force, retired, of Fairmont, WV. Chaplain Squires is sponsored by Senator BYRD.

PRAYER

The guest chaplain, Chaplain Donal "Jack" Squires, lieutenant colonel, USAF (retired), 101 Vine Street, Fairmont, WV, offered the following prayer:

O God, we ask Thy blessings upon all assembled here today. Grant that this body be hallowed with deeds of service to Thee and to humankind. May justice prevail in all deliberations, and grant that those who participate in the process be blessed with wisdom beyond their years. May these Senators, and the decisions they reach, be an integral part of history. We pray that the record will be pleasing in Thy sight. May none but honest and wise individuals make judgments under this roof. For we ask it in Thy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 28, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LT. COL. DONAL M. SQUIRES, GUEST CHAPLAIN

Mr. BYRD. Mr. President, I know that I speak for all of our colleagues in expressing my appreciation to Lieutenant Colonel Squires for the sensitive invocation in which he led us this morning.

Lt. Col. Donal M. Squires—to his close friends "Jack" Squires—comes to us from Fairmont, WV. Lieutenant Colonel Squires is a native of Fairmont, and earned his B.A. degree in education from Fairmont State College. An ordained minister in the West Virginia Conference of the United Methodist Church, Lieutenant Colonel Squires went on to earn his master of divinity degree at Duke University.

In 1954, Lieutenant Colonel Squires became a chaplain in the U.S. Air Force, and enjoyed a long and distinguished career in that branch of service. Among other assignments, he served as a chaplain at various Air Force installations in Alaska, Vietnam, Montana, Mississippi, and the Azores. He was also assigned as the Air Force chaplain at Washington National Airport with the Air Force unit serving the President during Dwight Eisenhower's tenure, and ended his official career as the senior Air Force chaplain in charge of Air Force funerals at Arlington National Cemetery, retiring from the Air Force in 1972.

Retirement did not mean an end of Lieutenant Colonel Squires' service, however. On a voluntary basis, he is the department chaplain for the West Virginia district of the American Legion. He is also proud of the fact that, as chairman of the Fairmont area United Way campaign in 1986, he led his fellow Fairmonters in reaching their United Way Fund goal for the first time in 19 years.

We are glad to have Lieutenant Colonel Squires as a Senate guest today, and I hope that he will find his time here with us rewarding and interesting.

Mr. President, I also thank our Senate Chaplain for his courtesy and his warm welcome which he has always extended to our visitors.

REACHING CRITICAL MASS IN THE PERSIAN GULF

Mr. BYRD. Mr. President, the stakes for the United States, and indeed all the free world, in the Persian Gulf have always been high. Today they are growing even higher and may be reaching a critical mass.

This is due to a convergence of the following factors:

First, substantial erosion of America's credibility as a superpower with staying power, integrity, and a consistent policy line. This is particularly acute in the gulf region because of the shocking effect that the revelations of secret sales of weapons to Iran have had, coupled with the twin military setbacks represented by the destruction of the marine barracks in Beirut and the devastation of the U.S.S. *Stark* on Sunday, May 17, of this year.

Second, the continued intensity of the Iran-Iraq war, with the introduction of a new factor: Increasingly direct violent attacks on Kuwaiti interests, including its ships, its territory, and on the ships of other nations bound for its ports.

Third, a nervous Kuwait which is attempting to bring the United States into the gulf as its protector and with the basic underlying goal of committing American prestige and power to bringing an end to the Iran-Iraq war. The form that this policy goal is taking is the attempt to effectuate an arrangement whereby her tanker ships are under the American flag and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

escorted through the Persian Gulf by American warships.

Fourth, accelerating Soviet diplomatic initiatives in the gulf and elsewhere in the Middle East, partly as a result of American hesitancy deriving from Irangate and Beirut, and partly from the new dynamism of the Gorbachev regime. Kuwait appears to be using the Soviet card to draw the United States into the gulf. Such initiatives will intensify if the Soviets exist Afghanistan.

Fifth, a widening range of Iranian weapons, platforms, and systems, including Chinese silkworm missiles which can completely cover the Straits of Hormuz and have an explosive power some five times that of the Exocet missile which nearly sank the *Stark*. In addition, the complicating factor of a new revolutionary guard Iranian navy, separate from the traditional Iranian Navy, and presumably more unpredictable.

Mr. President, we have had a very serious erosion of our credibility as a result of policies arrived at the wrong way—secretly. The only reason for that kind of practice is that the resulting policy for some reason cannot stand the light of day, cannot stand the scrutiny of the checks and balances of the American democratic system. Have we not learned anything from this experience? Have we not learned that any policy which puts our sons and daughters out there on the edge, has to have the support of the American people? Have we not learned that any policy to be sustained in the long run must be built the right way—through the forging of a consensus with the Congress?

Last week the Congress sent a message to the administration by the overwhelming margin of a 91 to 5 vote. The message is simple—effective operations in the Persian Gulf, the wisdom of engaging in new commitments which risk our national prestige, and the interests of the free world and the lives of our fighting men will have to have the support of the Congress and the American people.

Senator SASSER returned 2 days ago from his preliminary investigation of the *Stark* incident, and discussions with U.S. and foreign officials and Persian Gulf countries. Senators WARNER and GLENN left last night on the second leg of this Senate investigation. There are many important unresolved issues and questions which must be resolved before we deepen our commitment in the Persian Gulf.

First, what are the real threats to our forces in that region and are they adequately understood?

Second, does an enhanced escort role through the tanker protection initiative advanced by the Government of Kuwait, have a provocative or deterrent effect on Iran, and what should be the role of air cover?

In the interests of prudence, I assume air cover is needed and required until I am convinced otherwise. I agree with Secretary Weinberger on this matter, and believe it needs to be further pursued with both U.S. carrier air and gulf ground-based forces.

Third, regarding United States naval forces, are they ready to respond to the range of threats, assuming a substantial element of unpredictability and irrationality on the part of the Iranians?

Fourth, the United States wants other principal oil customers who have traditionally believed in freedom of navigation to fairly share the risk. The prospects for United Kingdom and French participation are mixed; it would take some time to develop such a formal force, and Kuwait, though supportive of other countries playing a greater role, clearly right now intends to play the Soviet Union against the United States on the matter of who flags their ships.

Mr. President, I believe no new commitments should be undertaken in the gulf until first, the results of the Navy inquiry of the incident by Admiral Sharp are available; second, the results of the Iraqi inquiry by Admiral Rogers are available; and third, the report required by the Byrd-Dole-Sasser amendment has been delivered and digested. No new commitments should be entered into, in my opinion, until we are completely satisfied that a militarily effective plan, based on capabilities as well as past practices, with an insurance factor for the unpredictable, has been developed and will be implemented.

I hope the administration will undertake to clearly explain the policy and the long-term goals of this Nation to the American people. The failure to build this kind of necessary support before we put this Nation's sons and daughters at risk jeopardizes our Nation's ability to keep its commitments around the globe.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized for not to exceed 5 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BICENTENNIAL MINUTE

MAY 28, 1913: J. HAMILTON LEWIS BECOMES FIRST SENATE PARTY WHIP

Mr. DOLE. Mr. President, 74 years ago today, on May 28, 1913, James Hamilton Lewis, a Democratic Senator from Illinois, became the first elected Senate party whip. The creation of that post, and Lewis' appointment to it, followed in the wake of the 1912 elections. Those contests had placed the Democratic Party in control of the White House and the Senate for the first time in nearly 20 years. Those victories occurred because of a split between the Republican Party's progressive and the regular factions.

President Woodrow Wilson and Senate Majority Leader John Kern recognized that they had a limited time to demonstrate to the Nation that their party could govern effectively. In the House, the Democrats enjoyed a huge majority. In the Senate, however, that party had a modest six-vote margin. This placed a great responsibility on Majority Leader Kern for the success of the President's legislative program. Accordingly, he and senior progressives within the Democratic Caucus, sought to impose rigorous party discipline on party members. This called for the establishment of a system that would ensure the necessary votes were available to support administration measures both in the caucus and on the Senate floor.

It is worth noting that both Majority Leader Kern, and Whip Lewis, were freshmen Senators at the time of their leadership election. Kern had begun his service just 2 years earlier. Lewis had been a Senator for only 2 months. J. Hamilton Lewis, whose portrait today hangs outside the Senate Chamber, served as whip until his election defeat in 1918. He was reelected to the Senate in 1930. In 1933 he resumed the post of Democratic whip, which he held until his death 6 years later.

In 1915, Senate Republicans appointed New York's James Wadsworth as their first whip and conference secretary. A week later they divided those positions and elected Charles Curtis of Kansas as whip.

LETTER FROM PRESIDENT REAGAN

Mr. DOLE. Mr. President, over the past few weeks we have seen how deeply so many Senators feel about the Levin-Nunn amendment to the defense authorization bill. Thirty-four of us wrote to the President expressing our support. I recently received his reply which I would like to share with all my colleagues.

President Reagan writes that his interpretation of the ABM Treaty is based on a thorough analysis of the treaty's negotiating record, and that the administration continues its review of the ratification process and subsequent practice. Perhaps most importantly, the President reiterates that his consultations with the Senate

will continue, and will include all these factors.

As we proceed with these consultations we should bear in mind that the informal statements of individual Senators bind neither the United States nor the Soviet Union. In this case, only the President can interpret our treaty obligations. Before arguing to the contrary we should heed the President's words:

If we are seen as having to negotiate first in Washington, the Soviets will only stall further to see what we are forced to give up even before we get to the table in Geneva.

I commend the President's letter to my colleagues and ask that it be printed in the RECORD.

The letter follows:

THE WHITE HOUSE,
Washington, DC, May 26, 1987.

Hon. BOB DOLE,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR BOB: Thank you for your strong support for the Presidential prerogative of treaty interpretation as is reflected in your letter of February 10. It is precisely because I am intent on preserving the strength and vitality of both SDI and Executive prerogatives that I have directed that consultations be undertaken with the Congress and our Allies.

I agree that I am not bound by informal statements of individual Senators. The ratification record is only one of the three bodies of records with a bearing on the issue of treaty interpretation, the other two being the Treaty and its associated negotiating record and the subsequent practices of the parties. We need to bear in mind as well, that our statements in seeking ratification do not similarly bind the Soviet Union.

As you know, my decision that a broader interpretation of the ABM Treaty is fully justified was based on a thorough investigation of the Treaty and its associated negotiating record. I have directed the State Department to continue our deliberate and orderly study of these records. I anticipate that our consultations with the Congress will include all of these factors.

It is important, as we conduct our consultations, that individual Members recognize, as you do, the vital role SDI can play in our Nation's future security and the important role it has already played in getting the Soviets finally to discuss deep reductions in strategic offensive weapons.

Constraints on our program imposed by the Congress can only result in increased Soviet intransigence in Geneva. If we are seen as having to negotiate first in Washington, the Soviets will only be encouraged to stall further to see what we are forced to give up even before we get to the table in Geneva.

With your continued strong support and leadership, I am sure that we can sustain our progress on SDI while negotiating stabilizing arms reduction agreements with the Soviets that will enhance U.S. and Allied security.

Again, thanks for your steadfast support.

Sincerely,

RON.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not more than 1 minute each.

The Senator from Illinois.

Mr. BYRD. Mr. President, if the Senator from Illinois will yield, I ask unanimous consent that the distinguished Senator from Wisconsin, who is now presiding over the Senate, may have 5 minutes as in morning business and be permitted to speak therein, with that time to come out of the 30 minutes for debate to be equally divided on both sides.

The ACTING PRESIDENT pro tempore. The Chair thanks the majority leader. Without objection, it is so ordered.

The Senator from Illinois.

(The remarks of Mr. SIMON appear later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER (Mr. BYRD). The Senator from Wisconsin [Mr. PROXMIRE] is recognized.

MESSAGE FROM THE U.S.S. "STARK" TO STAR WARS: DON'T GO

Mr. PROXMIRE. Mr. President, what does the tragic death of 37 American sailors on the U.S.S. *Stark* tell us about the onrushing military technology? It tells us that this rapidly developing new military advance has made weapons extraordinarily swift and lethal. It tells us that this heartbreaking destruction of human life can take place by sheer accident. It tells us that, no matter how elaborate and reliable the defensive equipment designed to prevent such an accident, human failure can result in catastrophe.

Now, Mr. President, let us leap 30 or 50 years ahead. Let's say the year is 2027—40 years from now. Assume that, at a cost of one-and-a-half trillion dollars, we have researched, developed, produced and deployed SDI, with a full array of kinetic kill vehicles [KKV's] or battle stations with all the necessary backup and defensive gear necessary to provide protection. The American Physical Society has told us that we will have to achieve an astonishing improvement in our particle beams and lasers so that we can instantaneously strike most of the ICBM's the Soviet Union might fire at this country.

Let's assume that we do that. So we stand ready to knock off almost all of the nuclear warheads that might leave the Russian MIRV'd missiles before they strike American targets.

Let's assume we have succeeded in putting into place a computer system that can instantly and flawlessly coordinate this vast strategic defense initiative [SDI]. We are ready, willing and able to act the instant the Secretary General of the Communist party puts his finger on the button. All of our giant SDI apparatus—all one-and-a-half trillion dollars of it—lies out there, like a coiled spring, with every ICBM launcher in the Soviet Union on sea, in the air and on land in its target sights constantly ready to go.

But wait a minute. Like the commander of the *Stark*, we recognize that if we leave this vast infinitely destructive system ready to strike at all times, it could be triggered by a rogue missile, maybe a Mu'ammar Qadhafi special, artfully crafted to kick off a war that could destroy both superpowers.

Unlike the commander of the *Stark*, we cannot "turn off" SDI. The SDI surveillance, acquisition, and discrimination devices would always be operational—as our intelligence satellites are now. But the critical link is the human decision to actually fire the system once warning has been obtained. Some would say this must be automatic given the time constraints, others say a human must make the decision. And there, Mr. President, is the rub.

Mr. President, the tragedy of the U.S.S. *Stark* was the failure of fallible humans to be able to control and handle a highly complex military technology. The *Stark* was specially equipped with a defensive capability that certainly should have assured its invulnerability to a missile attack. Indeed, the *Stark* was designed for that express purpose. Why was the *Stark* deployed in the Persian Gulf? Answer: to protect oil tankers bringing oil, the vital source of energy to the free world.

Did those who designed the U.S.S. *Stark* understand the danger of this kind of mission? Of course they did. Were they confident the *Stark* could fire its defensive missiles and intercept the incoming missiles from hostile planes before the missiles could strike the oil tankers the *Stark* was charged to defend? Sure. They understood that fully. So what happened? So what happened was that, under the conditions of grim reality, the *Stark* could not even defend itself.

The story of the *Stark* is one we should ponder carefully as we consider the wisdom of proceeding with SDI or star wars. The *Stark* had a mission astonishingly similar to the mission of star wars. The *Stark's* mission was to defend oil tankers against missile attack. The SDI mission is to defend American targets, including our cities, against Soviet missile attack. The *Stark* was a victim of the complexity and danger of its own technology. It was victimized because neither the human beings that designed and produced the technology nor the human

beings who operated the technology were infallible. The lesson of the *Stark* is that the more complex the technology, the less is the human fallibility the technology can tolerate without committing fatal errors.

The technology of the *Stark* was, indeed, formidable. But it is like a baby's toy in simplicity compared to the technology of SDI. The SDI technology, with its infinitely fast lasers and particle beams, its elaborate battle stations, its enormously complex computer system, will demand a God-like infallibility. But let us not kid ourselves. The human beings operating SDI in the year 2027 and beyond will be little if any more skilled, they will be little if any less prone to mistakes than the people manning our technological defenses today.

Think of it Mr. President. Here we sit in the U.S. Senate, just 200 years after the Congress was created. Are we really wiser, more prudent, less fallible than the Founding Fathers who proceeded us seven or eight generations ago? Where is the James Madison among us? Where is the Jefferson or Adams or Ben Franklin? Have we improved? Here's one Senator who wouldn't want to bet on it.

Will our successors improve enough so that while our generation could not operate the relative kindergarten technology of the U.S.S. *Stark* without a fatal and tragic accident, we think our successors, one or two generations from now, will be able to safely operate a technology as infinitely complex and dangerous as SDI? The answer is never and no way.

There is much to be said for the intellectual caliber of President Ronald Reagan, Vice President George Bush, Attorney General Ed Meese, Secretary Sam Pierce, Secretary Cap Weinberger, but I cannot see a great improvement over Washington, Jefferson, and Alexander Hamilton. Somehow in terms of human fallibility we have not come that far in the past 200 years. So remember the *Stark* and put down this Senator as skeptical when it comes to reducing human fallibility in the next 40 years when we are ready and set to go with SDI.

Mr. President, I yield the floor.

TRIBUTE TO MAYOR ART LA CROIX OF RAPID CITY, SD

Mr. DASCHLE. Mr. President, On May 29 in Rapid City, SD, people will be gathering to pay tribute to an exceptional leader. His name is Arthur Paul LaCroix. He has just completed 12 years of outstanding service as mayor of Rapid City.

When Art LaCroix first took the oath of public office, Rapid City had recently been devastated by the flood of 1972. You may recall some of the news footage of that flood and the wound it ripped from one end of the city to the other.

You would not recognize that city today. They call it the Star of the West, and they are right. It is beautiful.

Many in Rapid City deserve great credit for that transformation, but their leader has been Art LaCroix. In the ravaged path of the flood, Rapid City, under Art LaCroix, built a greenway of parks, golf courses, bike and hiking trails, and gardens. It was a monumental effort and a remarkable gift to future generations.

In Art LaCroix's term as mayor, Rapid City grew. Did it ever. More than 12,000 new jobs. More than 2,000 new businesses. Nearly 400 million dollars' worth of new construction.

This is no sleepy cow town. This is a city with a future made bolder and brighter because it had a leader the caliber of Art LaCroix.

On his desk, Art kept a snapshot of his first grandchild and on that snapshot, he wrote with a marking pen, "The future looks bright." That tells you a lot about this man. He has never taken his eyes off a positive vision of the future.

Art LaCroix moved to Rapid City as a young boy with eight brothers and sisters. He sold newspapers on the street to pay for school supplies. He earned a battlefield commission in the U.S. Army in WWII.

Art met and married Trude while stationed in Vienna after the war. When they returned to Rapid City, Art worked for a floor coverings business and eventually became a partner in that business. He is a talented artist whose sculpture has been cited in the National Geographic and Lapidary Journal.

Art and Trude have given decades of service to the community: Boys Club, Little League, their church, the YMCA, the Red Cross, the list keeps growing. I suspect that this dedication to community service is far from being played out. After a well-deserved vacation, I expect that Art and Trude will soon find themselves immersed in some new positive contribution to Rapid City's future—and I think that's what the gathering on the 29th is really all about.

It's a celebration—a celebration of a man and career I proudly commend to the attention of my colleagues because it is a profile in the kind of leadership our country needs.

APPLAUDING HOFFMANN LAROCHE

Mr. HATCH. Mr. President, I would like to take a moment to recognize the contribution to our Nation's health of a leading health care company, Hoffmann-LaRoche, Inc. At a tribute banquet, the National Organization for Rare Disorders presented Hoffmann-LaRoche with its 1987 Corporate Leadership Award for its continuing leadership role in the research and development of orphan drug therapies for exceptionally rare diseases. Bristol-Myers was also honored for their work.

In her remarks at the presentation of the award, NORD executive director, Abbey Meyers said, "Hoffmann-LaRoche has exhibited extraordinary commitment to people with rare diseases, having developed more orphan drugs than any other pharmaceutical company during the last two decades."

As one of those responsible for passage of the Orphan Drug Act in 1983, I have long been supportive of private efforts to find cures for diseases too rare to constitute an effective commercial market, too rare to justify in purely commercial terms the great expense of testing a drug and moving it through the Food and Drug Administration to approval. Thus, I too would like to join NORD in recognizing the generous, long-term commitment of Hoffmann-LaRoche to orphan disorder research. The company truly has served as a model for the entire industry.

Mr. President, I would ask unanimous consent that there be inserted into the RECORD at this point the remarks delivered by Dr. Ronald Kuntzman, vice president of research and development of Hoffmann-LaRoche as he accepted the award for his company. I believe my colleagues will find them edifying.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF DR. RONALD KUNTZMAN

Good evening Senator Hatch, Representative Whitten, other distinguished Members of Congress, fellow colleagues in biomedical research, the Board of Directors of the National Organization for Rare Disorders and other distinguished representatives of government and industry.

On behalf of everyone at Hoffmann-LaRoche, thank you. And I would especially like to thank the National Organization for Rare Disorders for its dedication to the fight against orphan diseases and for giving hope to the millions of Americans who suffer from them.

The organization's recognition of our contributions to the discovery and development of medicines for rare disorders is especially gratifying because of our long-standing commitment to orphan drugs. In fact, this is our second such "first."

Last year we were the first health care company to receive recognition from the Department of Health and Human Services for our pioneering efforts in this field. Now you have also chosen to honor us as the first corporation to receive this most meaningful award at the same time that you are honoring two of the leaders in Congress. Senator Hatch and Representative Whitten, who have been so important to orphan drug development. And, I might add, they are also to be commended for their efforts in support of FDA and FDA funding.

While the Congress and the research-intensive health care industry may not always see eye to eye. We both share the same vision when it comes to the discovery of new drugs. What we both clearly see is an obligation to do our best to discover and develop treatments—and cures when we can—for diseases which afflict the few as well as for those which afflict the many. This is the foundation of a bridge—between the health care industry and the legislative. Regulatory and scientific branches of Government and academe—that links us with another common goal: quality health care for all Americans.

And that, it seems to me, is what the National Organization for Rare Disorders is all about—building bridges between industry, academe, government and voluntary organizations for the health and well-being of the patients to whom we're all dedicated.

They are the real winners tonight—the 20 million Americans who suffer from these rare diseases and the hundreds of thousands we have together already been able to help. Here are some of the patients with rare diseases whom Hoffmann-LaRoche has been able to help:

The people who can now enjoy the sunshine without experiencing the itching and inflammation of a disorder known as erythropoietic protophyria—sensitivity to sunlight—because of Solatene;

Patients with epilepsy who have not responded to conventional drugs but have benefited from Klonopin;

People whose lives have been saved by the availability of Nipride in hypertensive crises;

Dialysis patients who are unable to metabolize vitamin D on their own are helped by Rocaltrol, an end product of vitamin D:

Hodgkins disease sufferers for whom Matulane was a breakthrough drug;

And, within days from now, Hoffmann-LaRoche will introduce a medicine, Provocholine, which can diagnose perhaps as many as 100,000 cases of atypical asthma that might otherwise go undetected. Patients who previously did not know the cause of their discomfort can now be properly diagnosed and treated.

Why does Hoffmann-LaRoche undertake the development and marketing of products like these, which by the nature of the populations they serve are of limited commercial value? It's not because of any financial incentives provided under the orhpan drug law. Six orphan medicines Roche marketed in the United States in the 1970's predated the law and its tax incentives. Although the law is a very good thing for orphan products development, it is nevertheless clear that Hoffmann-LaRoche for one did not need legislation to dictate its social conscience.

We develop orphan medicines because we are in the health care business. We are in the business of discovering, developing, making and marketing original health care products. And we never lose sight of the patients we are conducting our research for.

As you all probably know, the private research-intensive pharmaceutical companies have discovered, not just developed, almost all new prescription medicines available in the United States. The point is that the American system of biomedical research, despite its flaws, is the best in the history of the world. In this the centennial year of the National Institutes of Health, the centennial year in a very real sense of biomedical research in this country, let us rededicate ourselves to the common quest of the NIH, the research-intensive health care industry, medical centers and institutions, the elected and appointed officials of government, and, indeed, the National Organization for Rare Disorders: the common quest is research for new and better health care products to improve, sustain or save lives.

At Roche, every working day, we rededicate ourselves to original research with a worldwide investment of $2 million. Today, on behalf of the company I represent, the Roche researchers who set and maintained over the year our research direction of social responsibility, I reaffirm our commitment to quality health care products—for the many and for the few.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS 1987

The PRESIDING OFFICER (Mr. REID). Under the previous order, the Senate will now proceed to the consideration of H.R. 1827, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Metzenbaum-Hatch Amendment No. 218, to provide $500,000 for grants and contracts under section 5 of the Orphan Drug Act, and to reduce funds for travel expenses of the Department of Health and Human Services.

(2) Hollings-Bumpers Amendment No. 226, to provide for continuation of disaster loan making activities.

MOTION TO TABLE MOTION TO RECONSIDER VOTE BY WHICH FOURTH EXCEPTED COMMITTEE AMENDMENT WAS AGREED TO

The PRESIDING OFFICER. Under the previous order, there will now be 26 minutes' debate on a motion to table the motion to reconsider the vote by which the fourth excepted committee amendment was agreed to.

The Senator from Arizona is recognized.

Mr. DECONCINI. I ask unanimous consent that the time allocated in support of the motion to table, which would normally be set aside for the Senator from Iowa [Mr. HARKIN], be yielded to me, under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I thank the Chair.

We have a short time now. We went over this at some length last week, had a vote where the DeConcini amendment would extend the employer sanctions for only 4 months. It was approved by only two votes—really one vote, with Senator SIMPSON reversing his vote in order to correctly procedurally ask for a reconsideration of that vote.

Mr. President, there are several important things to note that have happened since then. No. 1, the INS has voluntarily come forward and extended by its own executive regulations and rules, a 1-month period indicating very clearly that they were not ready last week, were not ready last month to compose these particular sanctions. As I argued last week, the book was not even in the printers. As of this morning, we are advised the handbook is still not in the Joint Committee on Printing for printing, although it has been approved or signed off by the INS. That indicates that we are not prepared as a government to impose these sanctions and we should grant the 4-month extension.

Mr. President, I want the record to show that the NFIB has sent a postcard to every Member of the Senate indicating as follows:

RETAIN DECONCINI LANGUAGE IN SUPPLEMENTAL APPROPRIATIONS

Dear Senator:

On behalf of the more than 500,000 small buisness members of the National Federation of Independent Business (NFIB), I want to urge you to support retention of Senator DeConcini's amendment to extend the education period under the Immigration Reform and Control Act of 1986 until October 1, 1987.

On Thursday, May 21, the Senate voted 48–45 to retain this language. At that time a motion to table a motion to reconsider was made. Debate on the motion and any votes have been postponed till Thursday, May 28.

Due to the lateness in the publication of the final regulations as well as the printing and distribution of I-9's, employers will not have the original six months envisioned by Congressional supporters of immigration reform. Rather, they will have just two weeks, if that.

NFIB members supported passage of IRCA through both the House and Senate. We believe that it is in the best interests of everyone to extend the education period to ensure a more positive and effective compliance with the Act.

Once again, I urge you to support all efforts to retain Senator DeConcini's amendment in the supplemental appropriations bill.

Sincerely,

JOHN J. MOTLEY III,
Director,
Federal Governmental Relations.

Mr. President, we hear arguments that we cannot put this off, that we are changing the enforcement, that we are altering major legislation, that we are going to be extending the period of time for the amnesty or the legalization period. That is just not correct. We are simply asking Congress here to grant a period of four additional months.

Why? This bill was effective December 1, 1986. As of that date, it was illegal to hire someone who could not prove that they were in this country correctly and validly and legally. As a result of that, as a result of the law, there was provided a 6-month period until June 1 before the sanctions would take place. Why? In order that the INS, the U.S. Federal Govern-

ment, could educate the employer and the employee as to the significance and the ramifications of this particular legislation. That was commenced.

It was not until April 8 that the contract was signed with the California public relations firm that would grant the public information contract to attempt to explain and educate the public in this area.

It was not until mid-May, 2 weeks before the date of the sanctions, that the regulations were published. As of today, the handbook explaining these regulations, explaining the necessity, has yet to be sent in the mail and will not be until probably the end of next week, after the date that it is to become effective.

INS finally, after they saw a vote on this floor was going to extend it, voluntarily came forward to extend it for a 1-month period. We are asking for a reasonable amount of time to assist employers and employees. As I indicated last week, this is supported by a multitude of various groups and organizations ranging from the Small Business Federation, through the American Civil Liberties Union, American Immigration Lawyers Association, the Hebrew Immigration Aid Society, the Hispanic National Bar Association, the Lutheran Immigration and Refugee Service, the National Association of Latino Elected and Appointed Officials, LULAC, and numerous other organizations, including the U.S. Chamber of Commerce.

We are not trying to reverse anything. We are only asking that in good common sense, we grant an extension for a period of time so that this can be implemented in an orderly manner so people know what they are getting into.

I thank the Chair.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Would the Senator from Arizona yield for 1 minute for a question?

Mr. DECONCINI. I am glad to yield.

Mr. LEVIN. Mr. President, if the INS had delayed all sanctions, in effect, for 4 months instead of 1, if they had administratively said, "Because of the delay in this handbook, mainly, being sent out"—and none of them has been sent out yet, as the Senator from Arizona points out—"we are going to refrain from issuing even a citation for a 4-month period," rather than the 1-month period for which they decided to refrain from issuing sanctions, would the Senator be pressing his amendment today?

Mr. DECONCINI. Let me be very candid with my friend from Michigan. Had they done that in April or May when it was clear they were not going to be ready for this imposition on June 1, I may very well not have offered this amendment. I would have talked to the Senator from New Mexico [Mr. DOMENICI] and my colleague [Mr. MCCAIN].

I might have decided it was not necessary.

They did not do that. We had only one vote on this floor, and the Senator from Michigan played a very important role. They did not do that. I cannot say, very candidly, if I would have done it. Had they cooperated early on, I may not have found it necessary. But I find it necessary now.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. SIMPSON. It is interesting for me to listen to the comments about the INS, about the most cooperative agency that I know in the entire Federal Government with regard to this issue. I do not know of any other agency that ever presented its regulations in draft form and said, "Here, look at them," or any other agency of the Government in the 8 years I have been here that did that, then asked for comments, and then came back with the formal regulations and then a formal comment period.

We are voting on whether to table the motion to reconsider. I urge my colleagues to vote no on the motion to table and allow us to reconsider the vote. Very swiftly, let me share the reasons.

Most of our colleagues served in the Senate during all or part of the nearly 6 years of debate on this issue—6 years on the Immigration Reform and Control Act. These Senators know that this bill was spiritedly debated for I think nearly 15 days on this floor during 6 years and it passed at each Congress by significant majorities.

I think all of us are aware of the strong bipartisan support that went into creating a bill like this, carefully crafted to meet the national need and interest while receiving a broad-based support. That happened.

There is not one of us who does not know of the hours of negotiation, the conference committee meetings that took place, the compromises that were made, to structure a bill of this nature in this body, and they know also—and this is the key—that the very essence of this legislation was employer sanctions, the very provisions which this amendment would delay. Everybody knew what was up, especially the employers of America. I can tell you that.

In the debate last Thursday, the Senator from Arizona placed in the RECORD a telegram from various groups which support this amendment which, as I say, would delay the enforcement. It was an extraordinary array of groups; almost without exception they were groups that were out cutting my bicycle tire for about 6 years. What a strange alliance. Did anyone believe that they had suddenly come to wherever they should come to support this legislation? They never have, nor has the Senator from Arizona ever, nor have any of the people who spoke the other day ever supported this legislation. So I think it is good to get the English back on the cue ball and see exactly what is occurring here.

Mr. DECONCINI. Will the Senator yield on my time for just 20 seconds——

Mr. SIMPSON. I yield, yes.

Mr. DECONCINI [continuing]. To correct one statement the Sentor just said. Even if I did support this legislation, I have letters in my office dated during the time that the Senator was debating it and now they have come out not opposed to this legislation, in support of this amendment. I just wanted the RECORD to so show.

Mr. SIMPSON. I thank the Senator from Arizona.

I said most of the groups. The NFIB did not support the conference position, so we want to get it all clarified.

So these are the same groups which, again, told us that there would be confusion and disarray in legalization, too. Well, that did not happen. That must have been disappointing to them. That is working very smoothly.

The legalization process should make us all proud. People are coming forward. That was the one I stuck with for the whole trip. That is the one on which I got the most flak. It is the one people do not like. But they liked employer sanctions. We dealt with that on this floor and they had vote after vote after vote on employer sanctions. And the House, I can assure you, is very, very embedded in employer sanctions.

They said there would be confusion and disarray in legalization. That did not happen. And now they say there will be confusion and disarray here, and in my mind that will not happen.

The amendment will only create confusion, not reduce it. It will create that confusion among employees as well as employers. I think that is a thing you want to hear carefully. It is not the employers who are going to be confused. It is employees.

This amendment also is going to add significant cost to the public information program by requiring the INS to now reprint its employer handbooks and denying the INS the ability to use the IRS for the mailing of the information. The contract and the printing have gone out. It was the Government Printing Office with UNICOR. They are at their work.

This amendment will even further delay the dissemination of information to all U.S. employers. I think the amendment will send just exactly the wrong signal abroad and in this country, and that signal will be "Keep coming illegally because we really are not serious about control, because we have set back employer sanctions."

Now, that is the message that goes out. I think that would be a serious mistake. The bill has had an extraordinary deterrent effect already—some 35 percent less apprehensions in certain border points, 40 percent at others. You take away employer sanctions and say that there are no employer sanctions until October 1, and you have started the pull factor again, just exactly what the entire legislation was directed toward.

Apprehensions, as I say, are dramatically down. The amendment is simply unnecessary. The INS has delayed enforcement now for the entire month of June and for 1 year—I still believe people are not hearing this. We will find out because we will have this opportunity to vote once again—the Commissioner of the INS has said, and I cite from the CONGRESSIONAL RECORD, May 21, 1987, page S6991, "During the first citation period, which extends from June 1 of 1987, through May 31, 1988, we will not even issue a warning"—this is the Commissioner of the INS, for a year, until May 31 of 1988—"we will not even issue a warning upon discovery of initial violation, if the violation is determined to be the result of misunderstanding of the law."

I do not know how anything could be more clear. They have delayed the enforcement during the entire month of June and for 1 year promise only to educate and not to warn or to fine those employers whose initial violations are due merely to a lack of knowledge or misunderstanding about the law. And there are some additional reasons to oppose the amendment of the Senator from Arizona.

If it were retained—and I think you must hear this. I hope someone may be listening to these comments, and we will know soon whether they are appropriate or not, and I share this with you as honestly as I can. This amendment, if the President signed it today, would change the rules 1 working day before the entire machinery goes into place, the scheduled effective date is June 1.

Then you know that the House of Representatives is not going to do very much with this. That is the cradle of employer sanctions. That is where this fine, courageous PETER RODINO worked for about 15 years to get employer sanctions on the books. And so this one is not going to move in my mind in the House of Representatives in any way.

I guess, finally, I do understand a very significant part of this, and I understand the support, and it may stay and stick right through. The system is with regard to the Appropriations Committee, and this amendment went through the Appropriations Committee on a voice vote. It is very difficult for the members of that committee to vote against not only their own committee but the respected Senator from Arizona. That I know.

I know how the system works. And I think that that is unfortunate, because I have talked with several members of the Appropriations Committee, who have been very supportive in the past, who said, "I just happened to get locked in there. I regret it but I did."

So I know that support system. But I also say that this amendment is indeed not timely.

I do not know of any group in America, perhaps other than the perishable crop industry—and they were vigorous to a fault at times—that knew more about what was coming for employers' sanctions and what would happen to them if they knowingly hired illegally documented persons. That is an extraordinary statement. Now we have the INS and their willingness to do this extraordinary thing and to do it until May 31, 1988.

So I think that with the investment of many years on this delicately crafted legislation—and I am not obsessed with it—we have much to do. We are watching it closely. The oversight will be conducted in the Senate by Senator TED KENNEDY, the chairman, myself as ranking member, and Senator SIMON as the other member of the subcommittee.

It still remains a very generous bill, and that is because of legalization. But it also remains a tremendously important educational process. If you stop employer sanctions until October 1 and yet do nothing on the tail end of it, which is May 31, 1988, you have solved absolutely nothing, except given a twisted signal to employers, who might say: "I don't know that's going on any more. They tell me I'm confused, but I know one thing—I guess I better fire a couple of people between now and October 1."

That can happen, because, unfortunately, that is happening already in some situations. But then you have the illegal employee who says: "It's time for me to move back, to make the move, if they are not going to do anything until October 1."

I think it is a twisted bit of information and illogic to send to not only employers but also employees.

So we have a generous bill and a very responsive INS; and I hope that under these circumstances and the procedural aspects of this activity, we will vote "no" on the motion to table.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Mr. SIMPSON. I yield.

Mr. LEVIN. As the Senator knows, I was one who supported this bill on final passage of a conference report. So I am not one who comes at this from the perspective of somebody who opposes the bill, although I had difficulty with some provisions along the way.

It seems to me that the issue is not whether there is going to be a delay in the enforcement of employer sanctions. There is going to be a delay of 1 month. The INS has administratively indicated that it is not going to enforce it for 1 month. The question is how long that delay will be and by whom it will be stated—by us legislatively or by the INS administratively. It seems to me that that is really the issue.

It is no longer a pure case, because there has been a delay in the enforcement for the month of June. The reason for the delay is that this handbook, 18 pages of pretty complicated stuff—I tried to read it last night—is not going out on time.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. LEVIN. May I have I minute?

Mr. DECONCINI. I yield 1 minute to the distinguished Senator from Michigan.

Mr. LEVIN. The question is this: There was a 6-month period for a public information program, mainly to get this handbook out to the public, 6 million to 7 million employers. That handbook will not go out until June 20, we have been informed by the Joint Committee on Printing this morning. Even according to the statement of Mr. Nelson, of INS, this will go out during June and July. We have ascertained that June 30 is when it will be mailed.

If there is good reason to delay this for 1 month to get this handbook out, does it not make sense to delay it longer than June 30, when the handbook will not be mailed to some people until July and, according to the words of the Joint Committee on Printing this morning, none will be mailed out by June 30? Should we not delay this 2 or 3 months to get the handbook out?

Mr. SIMPSON. Mr. President, I ask unanimous consent to proceed for 1 minute to respond to the Senator from Michigan?

Mr. DECONCINI. Mr. President, how much time does the Senator from Arizona have?

The PRESIDING OFFICER. Five minutes and 14 seconds.

Mr. DECONCINI. I yield 1 minute to the Senator.

Mr. SIMPSON. I thank the Senator from Arizona.

Mr. President, UNICOR, which is doing the printing, is not required to report to the Joint Committee on Printing, and they will have their material going out between June 1 and 10. I think that is very important. At least, that is what I am advised.

The Senator from Michigan asked about the administrative possibility, of taking it administratively until July or August. There is no attempt here by the Senator from Arizona to take it

beyond May 31, 1988, and nothing is going to happen to people between now and May 31, 1988, in the United States of America. So they have not only taken it 4 months but a year.

Anyone who misunderstands or is confused on a first violation is not going to risk any penalties under this legislation. That is the way it is.

Mr. LEVIN. I thank the Senator.

Mr. DECONCINI. I yield 3 minutes to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the position of Senator DECONCINI. I supported the Senator from Arizona in committee and I support his efforts again today. His provision would extend the public education campaign of the new immigration law for another 4 months.

Last year, Congress passed a delicately balanced immigration bill that combined a legalization program with an employer sanctions program. Because of the complicated nature of the bill, Congress delayed immediate enforcement of both programs for over 6 months. It made the Immigration and Naturalization Service [INS] responsible for carrying out a publicity campaign that informed the public about both programs.

One might ask, why would a liberal Democrat who voted for this bill when she was a Member of the House of Representatives ask for delays? I ask for that delay and support that delay exactly because of the reason I voted for it in the first place: I want it to work. I want people who are now kept underground to come aboveground, and I want us to move in a public way to process the aliens and protect employers who are operating in good faith. This campaign and legislation will only work if we have public education. But instead of public education, we have gotten bureaucratic bungling, continual chaos, and excuses instead of action:

The final regulations of the law were published just 4 weeks ago.

The forms employers must use to document legal employees have still not been mailed by the INS.

Only a handful of physicians have been approved to perform medical examinations for the legalization program.

Most important, the INS has not made an adequate effort to inform either individuals or businesses about their responsibilities under the new immigration law.

The lack of a public education campaign has led to chaos for employers. Few realize that they are not liable for fines for employing individuals who were at work before the law was signed in November. Few know what documentation potential employees must show to prove they can work legally in the United States. There are many employers who want to do a good job and comply with the law, and we need to help them.

A thorough, well-executed public education campaign could have helped—and still can help—the public to understand and prepare for the new law.

Also, the INS has not prepared itself to serve those seeking legalization in areas where that population exists in great numbers. I am referring to the Washington metropolitan area, specifically Montgomery and Prince Georges Counties, in my own State. We want to work with INS, but it turns its back on us.

The local county executive offered free space to be used for the processing of legislation applications, only to be turned away. The Archdiocese of Baltimore and the Medical Society of Montgomery County volunteered 200 physicians free of charge to process the legalization of people, and again INS rejects their offers.

Mr. President, earlier this year I thought about increasing INS funding for a broader, more aggressive public education campaign. But I decided not to go forward with that idea because of the fiscal restraints this bill is already under. The least we can do, if we are not going to spend money, is to make an investment in time: Let us do it once, let us do it right away, and let us help the people we are most committed to serving.

We must give the public more time. With more time, Americans will learn how to comply with the law. Discrimination would end, and employees would comply with the law and not be subject to fines or criminal penalties. With more time, people will be able to understand and prepare for this complicated new law.

(By request of Mr. BYRD the following statement was ordered to be printed in the RECORD.)

● Mr. GORE. Mr. President, I wish to express my support of Senator DECONCINI's amendment to extend the 6-month educational period embodied in the Immigration Reform and Control Act of 1986.

As we near the June 1 end of the 6-month period, it is clear that substantial confusion still exists. Employers do not yet fully understand the act. As a result, many employees are being fired out of a fear that they might cause the employer to be subject to sanctions. Many have lost their jobs merely because of an Hispanic surname.

It appears that the educational information provided employers by the Immigration and Naturalization Service was not sent until very recently. Clearly the intent of Congress when the bill was passed was to allow employers to become knowledgeable about the provision of the legislation before they became subject to its sanction provisions. This grace period is only fair—fair to the employers who must learn the technicalities of a complex piece of legislation, and fair to the employees who are legally present in this country. We must not rush compliance if that means that many innocent people must lose their jobs. I urge support of the DeConcini amendment.●

The PRESIDING OFFICER. The Senator from Arizona has 35 seconds.

Mr. DECONCINI. Mr. President, I thank the Senator from Maryland for her support.

This is not a liberal-conservative issue. I understand the system here.

The Senator from Wyoming indicates that people on the Appropriations Committee are locked in. I hope they are locked in because of good judgment, just like people who I suspect are locked in because he is the very respected minority whip, assistant leader, and I understand that, and I do not hold that against anybody; nor does the Senator from Wyoming. But it is important if we can do an orderly process by extending this.

INS is not prepared. They, on their own, have already moved it a month. As the Senator from Michigan just pointed out, those regs will not be out until the end of June. Is it not good common sense and good government to extend this 4 months?

I hope my colleagues will vote to table the motion to reconsider so we can go on with other business of the Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the motion to table the motion to reconsider the vote whereby the fourth excepted committee amendment was agreed to.

On this question, the yeas and nays have been ordered, and the clerk will now call the roll.

The assistant legislative clerk called the roll.

Mr. WALLOP (when his name was called). Mr. President, the Senator from Virginia, Senator WARNER, if present, would vote no. If I were permitted to vote, I would vote "aye". Therefore, I withhold my vote.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Tennessee [Mr. GORE].

If present and voting, the Senator from Massachusetts would vote "nay"

and the Senator from Tennessee would vote "yea."

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

The PRESIDING OFFICER (Mr. DODD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 43, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—47

Adams	Exon	Mikulski
Baucus	Garn	Mitchell
Bentsen	Harkin	Nickles
Bingaman	Hatch	Pell
Boren	Hecht	Pryor
Breaux	Heflin	Reid
Bumpers	Helms	Sanford
Chafee	Inouye	Sarbanes
Chiles	Johnston	Sasser
Conrad	Karnes	Shelby
Cranston	Lautenberg	Stennis
D'Amato	Leahy	Stevens
Daschle	Levin	Symms
DeConcini	McCain	Wilson
Dixon	McClure	Wirth
Domenici	Melcher	

NAYS—43

Armstrong	Gramm	Pressler
Bond	Grassley	Proxmire
Boschwitz	Hatfield	Quayle
Bradley	Heinz	Riegle
Burdick	Hollings	Rockefeller
Byrd	Humphrey	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Simon
Danforth	Kerry	Simpson
Dodd	Lugar	Stafford
Dole	McConnell	Thurmond
Durenberger	Metzenbaum	Trible
Ford	Moynihan	Weicker
Fowler	Nunn	
Graham	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Wallop, for.

NOT VOTING—9

Biden	Gore	Murkowski
Evans	Kennedy	Specter
Glenn	Matsunaga	Warner

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and cease conversations on the floor.

The majority leader.

Mr. BYRD. Mr. President, I hope that the Senate can complete its business for the day at no later than 5:30 p.m. today. In the meantime, I also hope that we can get a list of the amendments that are yet to be offered and perhaps reach an agreement that that list will be held to, that no more amendments will be in order. That will assure the Senate, I believe, that we could complete action on this bill today or on tomorrow.

If our staffs could be working to that end, and if Senators will cooperate, it would be helpful.

How many Senators on the floor at this time have amendments they intend to call up?

Mr. DIXON. Mr. President, I have two amendments.

Mr. SYMMS. Mr. President, I have one amendment.

Mr. BYRD. Mr. DIXON has two amendments and Mr. SYMMS has one amendment.

Mr. DIXON. Mr. President, I might say to the leader I do not require much time on either amendment.

Mr. BYRD. Will the Senator identify the two amendments?

Mr. DIXON. I will say to the leader I have one amendment to eliminate the appropriation pertaining to the $200,000 severance to employees at the World Bank. That will not require very much time. I will be glad to have 20 minutes evenly divided on that amendment.

My other amendment is the Great Lakes amendment that Senator BOSCHWITZ and other Great Lakes Senators have joined me on. I would be willing to agree to perhaps 1 hour evenly divided. I do not think we would use it all.

Mr. BYRD. I thank the Senator.

The Senator from Idaho?

Mr. SYMMS. Mr. President, the amendment I propose to offer would be to strike everything out of the bill except for the Commodity Credit Corporation farm portion, strike everything else out.

Mr. BYRD. The Senator would be willing to agree to how much time?

Mr. SYMMS. I do not need much time. I think 10 minutes equally divided or 10 minutes to each side would be adequate.

Mr. JOHNSTON. Mr. President, I think there would be some disagreement to that.

Mr. COCHRAN. Mr. President, if I heard the Senator from Illinois correctly, he has something on the Great Lakes legislation. I believe that is an effort to overturn legislation that was agreed to last year, or modify it somewhat. If that is true, I do not believe it can be disposed of in an hour.

Mr. DIXON. Will the Senator from Mississippi yield?

Mr. COCHRAN. The majority leader has the floor.

Mr. BYRD. Yes, I yield, Mr. President.

Mr. DIXON. I am not trying to change last year's law, I say to the Senator from Mississippi. They have not complied with it. The Senator from Minnesota, myself, and others are just saying by this amendment, comply with the agreement made with the distinguished Senator from Mississippi, the distinguished Senator from Hawaii [Mr. INOUYE], and so on. That is all it is saying. I do not know if that will take time or not. That is all we are doing.

Mr. COCHRAN. If the leader will yield further, I may have an amendment on the Farm Credit System which will be offered sometime later.

Mr. BYRD. Very well.

Mr. President, Mr. COCHRAN has an amendment on the Farm Credit System he may call up. Mr. DIXON has two amendments, one on the Great Lakes, the other on golden parachutes. Mr. SYMMS has an amendment. Any other amendments—I believe Senator DODD, who is presently presiding over the Senate with a degree of poise, skill, and dignity that is as rare as a day in June, also has an amendment.

Are there any other amendments?

Mr. MELCHER. Mr. President, I may have an amendment on transferring some of the money in the Agriculture Department to Meals on Wheels. It looks like an amendment that will be accepted, but we are working on the details.

Mr. HATFIELD. Will the leader yield?

Mr. BYRD. Yes, Mr. President.

Mr. HATFIELD. Is the leader in effect getting additional amendments over and above the ones that were listed with the comanagers previously?

Mr. BYRD. No, Mr. President, this is it, because several of those amendments probably will not be called up.

Mr. HATFIELD. If the leader will yield again, I would ask that the 21 amendments that had been previously indicated by Senator GRAMM of Texas and other amendments that had been listed with the comanagers of the bill—in fact, I think there was a publication of the Democratic Policy Committee, a list of about 20. I think we have about 30 on our side. I would ask that they be wrapped in to protect those Senators who are not on the floor at the moment but think that their amendments have already been listed as to be protected.

Mr. BYRD. Mr. President, a good many of the amendments on the list have been disposed of. Some of them will not be called up. As far as I am concerned, that list is no longer extant. It does not mean Senators who have amendments on it will not be able to call them up. I think we have to start anew, I am trying to say. I am not at this point trying to get additional amendments.

I did talk to Mr. GRAMM on yesterday. He still has in mind 21 amendments or wrapping them all into one.

Mr. HATFIELD. I would like to cooperate, of course, and proceed with the amendments as soon as possible. But I think perhaps we ought to put out a hotline on our side of the aisle, at least, to indicate that we are making up a new list of amendments and if Senators want to be listed, they

should then inform the managers of the bill.

Mr. BYRD. I thank the Senator.

Does the distinguished acting manager on this side of the aisle know of any other amendments that Senators are intending to call up?

Mr. JOHNSTON. Mr. President, Senator Metzenbaum, I think, has three additional amendments. I think there is one pending but he says they will be very quick amendments.

I hope that we can move quickly today. I do not think it is outside of the realm of possibility that we could finish today if Senators would be here to bring their amendments up.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The majority leader is correct. The Senate is not in order.

Mr. JOHNSTON. I say, Mr. President, where there are obvious points of order to be made, it is our thought that those points of order ought to be made earlier in the debate rather than later.

In other words, if a point of order is going to be made, rather than debate for 4 hours and make the point of order, I think it would be our intention—I spoke to Senator STENNIS about it—to try to move the bill along a little faster today and make those points of order a little earlier so we could try to get the bill disposed of. So if Senator HATFIELD desires, we plan to move right on out today. If you have an amendment, it ought to be brought up quickly.

Mr. HATFIELD. Would the leader yield for a question?

Mr. BYRD. Yes, Mr. President.

Mr. HATFIELD. May I suggest that we set a time, perhaps at 11 o'clock, for Senators to get the information to the comanagers of the bill if they expect to have an amendment and/or at that point in time, we could say we are going to move to cut off the amendments after 11 o'clock. I am just suggesting a time certain that a Senator has to get a message to us following the hotline so that we are not waiting around here until noontime to know what amendments we have to consider.

Mr. BYRD. Mr. President, both Senators have made excellent suggestions. Mr. JOHNSTON's suggestion that points of order be made earlier rather than later would certainly expedite the business. The suggestion by Mr. HATFIELD is very appropriate at this time.

I would like to make that announcement and have our respective cloakrooms carry that message—for these reasons: We only have today and tomorrow, because I have a commitment that there will be no rollcall votes on Monday. This means if we do not finish the bill tomorrow, we cannot finish it before Tuesday and there is just no reason this bill should hang around until Tuesday. As an indication of the time we had yesterday, both the chairman and the two managers spent a good part of the day urging, cajoling, threatening, pleading, adjuring, and just everything to try to get amendments to the floor. There is no reason why we cannot complete this today or tomorrow.

So, at 11 o'clock, then, let us try to get in touch with those Senators to try to work out some of the problems. At 11 o'clock, we will try to get a reading on it and hopefully we can accomplish that.

AMENDMENT NO. 230

(Purpose: To revise the basis for computation of emergency compensation for the 1986 crop of feed grains)

The PRESIDING OFFICER. The Senator from Iowa is recognized for the purpose of offering an amendment.

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask that it be read. I understand it is already acceptable for consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself and Mr. DOLE, Mr. DURENBERGER, Mr. EXON, Mr. KARNES, Mr. PRESSLER, Mr. DIXON, and Mr. SIMON proposes an amendment numbered 230.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80, line 7, strike out "$6,653,189,000" and insert in lieu thereof "$9,423,189,000".

On page 80, after line 25, insert the following new section:

EMERGENCY COMPENSATION FOR 1986 CROP OF FEED GRAINS

Section 105C(c)(1)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1444e(c)(1)(D)(ii)) is amended by striking out "the marketing year for such crop" and inserting in lieu thereof "(I) in the case of the 1986 crop of feed grains (other than oats), the first 5 months of the marketing year, and (II) in the case of the 1986 crop of oats and each of the 1987 through 1990 crops of feed grains, the marketing year".

Mr. GRASSLEY. Mr. President, my colleagues will remember that during debate of the disaster bill for wheat, Senator DOLE and I offered an amendment that was withdrawn because we were not able to determine the exact cost of that amendment. We withdrew it with an understanding that it would be brought up later. I appreciate the attention of my colleagues who, on the Appropriations Committee, listened to my arguments during debate on this appropriations bill.

The situation is this with this amendment, Mr. President: What we are doing for corn is simply what we did for wheat on the continuing resolution of last year. If any Members want to know whether there is a precedent for this, on October 3, 1986, we did for wheat what I am asking this body to consider and do for the corn farmer right now.

That is simply taking the final deficiency payment for the 1986 crop year, which will not be paid out to the farmer until October 1 of this year, 1 year after the crop has been harvested, and paying it just as soon as this legislation passes this summer. We will then be giving that farmer his final deficiency payment the same way all deficiency payments have been paid in the history of farm programs. It was only delayed for the year we are in because this Congress felt it necessary to put part of the cost of the 1986 farm program into fiscal year 1988 as a budget gimmick.

So later on we felt that that was wrong for wheat, and last year this body passed and the President signed legislation moving up that advanced deficiency payment for wheat. I am asking as a matter of fairness that we do the same thing for the feed grain farmers of the United States.

So basically what we are doing is taking $2.77 billion that would be paid to the farmers on October 1 and moving that payment up to this summer.

Now, of course, the purpose of this is not any different than for wheat, if you would read the debate last fall. The people who proposed that argued wheat farmers are strapped for operating capital; it is difficult to get credit; and what credit can be gotten is very expensive. The cost of high interest rates, could be avoided by putting this money into the farmer's pocket now.

This amendment would be putting that money into the corn farmer's operating capital just like it was essential that it be there for wheat farmers.

I think it is this simple, Mr. President, and Members of this body, that we treat with as much equality as we can the feed grain farmers, basically the corn producers of the United States, the same way we do the wheat farmers. I know that there is some question of whether or not this is really the thing to do because you can raise a question about the budget issue, whether this is revenue neutral, because it does increase the budget for fiscal year 1987 by $2.77 billion. But at the same time we are reducing the cost of the fiscal year 1988 budget by $2.77 billion, so really all we are doing is correcting a flaw in the budget approach that we used last year for the first time in history, putting off into the next fiscal year some of the costs of the 1986 farm bill just to make the budget look better. When you consider the need for equal treatment between wheat farmers and corn farmers, when

you consider that it is not going to cost any more whether we pay it during the summer—it is still a $2.77 billion budget cost, the way CBO counts it, as it would be on October 1—it is eminently fair and something we ought to do.

Mr. JOHNSTON. Will the Senator yield?

Mr. GRASSLEY. Before I yield, I have a couple colleagues I promised I would yield to and it is necessary for me to yield to the Senator from Illinois. I would like to do that, if the Senator will wait, please, and then I will respond to anything the Senator wishes to ask.

Mr. JOHNSTON. Mr. President, is the Senator yielding the floor?

Mr. GRASSLEY. No, because I think the Senator from Illinois wanted to ask me a question. Did the Senator from Illinois ask me to yield?

Mr. DIXON. No. I wanted to say to my distinguished colleague that I am prepared to speak in support of his amendment, but I have no question at this time if he wants to engage in a dialog with the Senator from Louisiana.

Mr. GRASSLEY. I yield to the Senator from Louisiana.

Mr. JOHNSTON. I simply wanted to say, as I said earlier, we have a lot of work to do on this bill, and there will be a point of order made, even though it is very worthwhile legislation; everybody from the agriculture area certainly feels that way, I am sure, but either we throw away the Budget Act to the tune of $2.7 billion or we make a point of order.

As we announced earlier, we are going to make a point of order, so I was just wondering whether the Senator would like to have that point of order made now and save us some time or whether he wanted to finish his speech.

Mr. GRASSLEY. Mr. President, could I make a parliamentary inquiry following up a question?

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. GRASSLEY. Once the point of order is made, does that end all debate?

The PRESIDING OFFICER. A point of order is not debatable unless it is submitted to the Senate, of course, in which case it would be debatable.

Mr. GRASSLEY. OK, that answers my question. I would like to ask for some forbearance from the managers if I could. First of all, I was prepared to reach, if anybody asked, an agreement for a limit on debate. Senator DOLE asked that I not do that, so the request has not been made. I hope that the managers will give us time for ample debate on this from both sides.

Mr. JOHNSTON. That is sort of the threshold question that faces us. Either we try to finish the bill in a reasonable amount of time or let it go over until next week. It is a tough position to be in because our colleagues want to be heard, but the Senator is taking about 2 or 3 hours of debate when a point of order is going to be made and we do not want to be discourteous but we have that threshold decision to make.

Mr. GRASSLEY. Senator DOLE is here so since I was withholding agreement on debate, maybe we could reach that agreement now.

Mr. JOHNSTON. Senator DOLE has just said 20 minutes a side, which would be perfectly fine as far as we are concerned.

Mr. EXON. How much time?

Mr. DOLE. Twenty on a side.

Mr. EXON. Perfectly all right.

Mr. DIXON. May I have 5?

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. GRASSLEY. It is perfectly all right with me, I say to the Senator from Louisiana, if we could have that limit so that we would have 20 minutes on this side controlled by myself.

Mr. JOHNSTON. I strongly would like a 20-minute time agreement on each side, but I am just advised that we may have some objection from somewhere back in the tombs of the cloakroom.

The basic question is, Do we move on with the bill or do we not? I hope the cloakroom will let us move on.

If the Senator will continue with his speech, then we will get word from the cloakroom.

Mr. GRASSLEY. I am going to yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I rise today to speak in support of the acceleration of corn deficiency payments proposed by Senators DOLE and GRASSLEY.

Our agricultural communities are currently confronted with a financial crisis. This crisis is exerting a devasting impact on American agriculture and our rural economy. Falling prices, combined with the devaluation of farm land and newly imposed barriers to export markets, has made it virtually impossible for our farmers to service their debt.

What we now face is a situation which may wipe out many of our Nation's full-time farmers. The current bankruptcy rate of farmers is appalling, and if we fail to respond with measures to provide relief, that rate will continue to escalate.

The Grassley amendment is one such method for providing relief. This proposal, by accelerating the time schedule for deficiency payment, alleviates a considerable amount of credit problems now facing grain producers. The acceleration would generate the operating capital so sorely needed by these farmers. For some farmers, this proposal would enable them to avoid additional borrowing. For others, it would offer a mechanism to reduce their short-term indebtedness. For still others, who can no longer acquire additional credit, the infusion of capital would enable them to continue farming and reduce their debts. This benefits not only the farmer but the entire rural community as well.

An acceleration of this sort is not without precedent. Similar legislation was passed prior to adjournment of the 99th Congress for wheat producers. We did this for wheat because the situation was such that it demanded our attention. The same circumstances which confronted wheat producers now exists for producers of feed grains, and we must meet this situation with the same resolve. Regardless of the differences in the growing season for these crops, we must ensure that equity between commodity programs be maintained.

Mr. President, the farm bill provides for the feedgrain deficiency payment to be made on October 1. But by making the payment available now, thousands of cash-strapped farmers can receive the money when they need it most. Over a 2-year period, there is absolutely no impact on overall Government outlays. The commitment has been made to the corn farmers. This amendment merely moves the payment from fiscal year 1988 to fiscal year 1987. Thus, relative to the cost to the taxpayer, there is none. There is no additional cost whether or not this money is paid out after October 1 or before September 30 of this year.

This measure will provide enormous relief to credit strapped farmers. To delay these payments will only inhibit our ability to achieve the greatest benefit from the expenditure. I urge my colleagues to support this amendment.

Mr. JOHNSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DIXON. I yield.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that there be 20 minutes of debate to a side on this amendment, to be equally divided, with no second-degree amendment in order, to be under the control of the Senator from Iowa and the manager of the bill on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I should like 2 more minutes to conclude, now that we have the time running.

The PRESIDING OFFICER. The unanimous-consent agreement having been entered into, the time is now controlled by the manager of the bill, the Senator from Louisiana, and the Senator from Iowa.

Mr. JOHNSTON. Mr. President, I yield 2 minutes to the Senator.

Mr. DIXON. I am speaking in support of the amendment.

Mr. President, I am beginning to be a little offended—and I do not mean this in a derogatory manner concerning the managers or anybody else—by this processs in which my friend from Iowa and others who feel very strongly about this $2.7 billion are suggesting that we are doing something out of line by moving this forward as an outlay into this year, when the supplemental came to the floor $2.9 billion over the budget in the first instance.

The people on the Appropriations Committee put anything they want to in these bills, and then the bill comes to the floor, and when we have concerns—and the Senator from Iowa and the Senator from Illinois represent the two biggest corn-producing States in the Union—now they are saying that there are all kinds of rules about how you can amend an appropriations bill.

This bill has more junk in it than the kitchen sink and the kitchen stove. It has the golden parachute, $200,000 a head, for 390 people at the World Bank, all kinds of money for Central America that I do not support, all kinds of foreign policy money that I do not support. The Senator from Nebraska, the Senator from Iowa, and other Senators here represent agricultural States and would rather have the money for the farmers of our States than send it all over the world.

The point I make is that this bill is not a pure bill, in the first place. Do not believe that. This bill already has a lot of junk in it and exceeds the budget.

I would like to vote against this bill because of the shape it is in, but I might be induced to reconsider if this corn proposition is allowed. The money is going to be spent anyway. All we are saying is that it should be spent this year and save the American farmer, instead of spending it the next fiscal year.

I support the amendment of the Senator from Iowa with all the enthusiasm I can command.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. I yield 1 minute to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, I should like to make one point for the RECORD.

The Senator from Illinois has made a rather stong statement about the "junk in this bill," as if the farmers are neglected in this bill. I say to the Senator from Illinois that $6.6 billion of this supplemental total is for the CCC, the Commodity Credit Corporation. I do not think farmers have been neglected in this bill.

If the Senator does not like certain items in the bill, he is privileged to make a motion to delete them. But to imply that this whole bill should rise or fall on the items the Senator from Illinois does not like—I do not like SDI and I do not like Central American aid—but I say to the Senator from Illinois that everything in this body has to get a consensus of 51 votes.

I do not think it should be implied that the Appropriations Committee has neglected the farmers. The farmers are getting the biggest chunk out of this total bill, only it does not count as an outlay because of our careful scoring system. Bear in mind that $6.6 billion is going to the farmers and other agricultural programs in this bill.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield myself 20 seconds.

Mr. President, this may be the only amendment we are going to be dealing with on this bill that spends money which is not new money. This is money that already has been obligated to be spent on October 1. All the other money in this bill is new money.

Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. EXON. Mr. President, I think the point that has just been made is the critical factor with regard to this appropriations bill. There are things in this bill that this Senator would not approve otherwise, but I am inclined to support this bill, primarily for the reasons just enunciated by my colleague from Oregon.

Most of the money in this supplemental appropriation is for the Commodity Credit Corportion, money that is owed the farmers by a previous bill. It is not in the exercise of our concern for agriculture that we are putting the Commodity Credit Corporation money in. It is an obligation that was passed by this body some time ago.

I simply remind my good friend from Oregon that sometimes we need more than a 51-vote consensus in this body—a 1a the holdup on the consideration of the Department of Defense authorization bill, which cannot even be brought up until we have a consensus of 60 Senators. I hope that, sooner or later, reason will prevail on that side of the aisle and we can pick up one vote, either from the Senator from Oregon or someone else on that side, so that we can at least begin discussion of the defense authorization bill.

With respect to the point at hand, it is important that we move this bill forward and that we get it out today, so that we can finish the bill, send it to the President for his signature, and get the Commodity Credit Corporation moving to the farmers. In fact, that is even more important, in the short run, than moving up the corn deficiency payments which have been adequately described. I associate myself with the remarks of my colleague from Iowa and my colleague from Illinois with respect to the need for this legislation, because, overall, it has no impact whatsoever on the budget or the budget deficit.

Mr. President, I support the amendment to move forward the final portion of the 1986 feedgrain deficiency payments.

The 1985 farm bill was riddled with problems. This is one problem that can be fixed today without taking up substantive and possibly more controversial policy questions.

This amendment addresses a genuine inequity created between corn farmers and wheat farmers who have already had their final deficiency payments moved forward. The amendment also gets rid of some of the "smoke and mirrors" which were put in the 1985 farm bill to make it look less expensive by forcing payments into the following fiscal year.

Mr. President, I know Nebraska corn farmers are tired of the fiscal "smoke and mirror" tricks we use in Washington. The corn farmers who will receive these payments have already "made good" on their end of the deal; they made their contribution to the farm program in the spring of 1986. To wait until the fall of 1987 for the Government to do likewise is simply asking too much.

I urge my colleagues to adopt this amendment which recognizes our obligations and does not create new spending authority.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield 3 minutes to the junior Senator from Nebraska.

Mr. KARNES. Mr. President, I rise today as a cosponsor of the amendment offered by Senator DOLE and Senator GRASSLEY allowing 1986 feed grain participants to receive their final deficiency payments now rather than after October 1, 1987. While this amendment has the effect of moving outlays scheduled for fiscal year 1988 forward into fiscal year 1987, it will not increase total spending for the combined 1987 and 1988 fiscal years. Passage of this amendment will prove beneficial to an estimated 100,000 feed grain producers in my State of Nebraska, as well as to an estimated 1.4 million feed grain producers throughout our Nation.

This amendment will prove beneficial to producers because it provides an infusion of earned income at a time when 1987 production capital is critically needed and at a time when the financial infrastructure of our Nation's rural economies desperately need help dealing with the adverse impacts caused by the problems in rural Amer-

ica. I want to note I refer to earned income because we are discussing a payment resulting from participation in the 1986 feed grain program which, among other things, required a 17½ percent unpaid diversion of corn acreage. So what I am saying is, indeed, producers have met all of the requirements of program participation for 1986 and their crop that has been produced and harvested and is in the bins. Therefore, the payment has in fact become earned.

While we frequently see positive signals coming from our agricultural industry, I think everyone will agree that all is not well in rural America. U.S. agriculture is in the difficult transition of moving from a domestic industry to an international industry. The international marketplace is volatile and subject to political and economic externalities far beyond the principles of supply, demand, and production efficiencies. To protect U.S. producer income from these external market forces, Government programs have been designed to form a safety net. It is incumbent upon us to assure this safety net is designed and administered in the most effective manner possible. Passage of this amendment is a method of enhancing this effectiveness by improving the cash-flow of our agricultural industry—an industry which generates one-fifth of our Nation's gross national product.

During development of the Food Security Act of 1985, this body decided to extend from 5 months to 12 months the marketing year on which to compute the season average price and the resulting deficiency payment for feed grain program participants. One of the objectives of this change was to provide for potential budget savings because the potential for a lower deficiency payment is greater when computed on a 12-month rather than 5-month season average price. Any concept which has the effect of reducing outlays is a worthy cause in this Senator's view. However, I am not aware of any forecast which would indicate the 1986 season average price for 12 months will result in any budget savings. Therefore, with a whole industry in urgent need of help, I believe we should be responsive to this need and exercise this opportunity to boost the economy of rural America by expediting a payment which has already been earned during 1986.

Congress, as part of the 1987 continuing resolution, passed similar legislation for wheat producers. The same concepts which were valid for passage of that legislative action are valid for this legislative action. This amendment can be viewed simply as a matter of program equity.

Mr. President, I urge the support of my colleagues for the adoption of this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. I yield 3 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. LEAHY. Mr. President, this is the third time that the distinguished Senator from Iowa has had this amendment up, and he is well aware of my position on it. I am sympathetic to the concern of the Senator from Iowa that we expedite payments to farmers to ease some credit problems in agriculture.

But I have to say that if there is a point of order on this, a budget point of order, I am going to have to vote against his position because the amendment would raise outlays in fiscal year 1987 by $2.77 billion.

I realize that over the 2 years that the costs wash out.

The Senator from Iowa both here and in the Appropriations Committee has been extremely fair, accurate, and honest as he always is in spelling out these items.

But if we add this $2.77 billion on top of the $30.2 billion CBO is already expecting us to spend on agricultural programs in fiscal year 1987 we are telling the taxpayers that these programs need nearly $33 billion. I fear that the patience of the taxpayer will soon wear thin as farm program costs appear to escalate. This could jeopardize the entire range of Government programs for farmers. As chairman of the Agriculture Committee, I am truly concerned about a backlash against the farm programs that are so very important in Senator GRASSLEY's own State.

Mr. President, one of the reasons Senator GRASSLEY brought up earlier as a justification for moving this money forward was that some corn farmers were having problems arranging production credit loans. Loans needed to plant their crops. Mr. President, the National Corn Growers Association indicated on May 20 that 95 percent of the corn crop was already in the ground. USDA tells us that 97 percent was planted by May 24. Do we need $2.77 billion just to get the final 3 percent planted?

The credit issue raised by Senator GRASSLEY takes me back to my original point. Moving this money will take outlays for the agricultural function in fiscal year 1987 to almost $33 billion. Senator GRASSLEY is aware that we have a credit problem in agriculture. The Farm Credit System recently announced that it could require about $6 billion in direct or indirect Federal assistance. To solve this problem may—I repeat may—require us to come before this body and ask for some additional funds.

How is it going to look to our more urban members if they think that spending on agriculture is doing nothing but going up. That the $30 billion number which we had last week needs to go to $33 billion and then $35, or $37 or $40. I don't think we want to get ourselves in that position when this serious, long-term credit issue is going to come before us.

Mr. President, I will vote to support a budgetary point of order against the Grassley amendment.

I raise again the concern that we do not want to raise the overall costs of the farm program even more. I mention this just so all Senators will understand my position and why I will be supporting the budgetary point of order. It is not because I do not share the concern of the distinguished Senator from Iowa and others in this matter. I do. I just would not want to see this moved into the 1987 budget.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Iowa yields 5 minutes to the Senator from Kansas.

FEEDGRAIN DEFICIENCY PAYMENTS

Mr. DOLE. Mr. President, Senator GRASSLEY and I are offering an amendment to make the final portion of the 1986 feedgrain deficiency payments immediately available. Advancing feedgrain payments will allow producers to receive money now when spring credit needs are greatest, instead of in October, as established in the 1985 farm bill.

My colleagues are well aware of the interest Senator GRASSLEY and I have had in this matter. It seems like a fairly simple amendment, but we have encountered a bookkeeping problem. Because the amendment would shift the payments from October of this year to this spring, the final portion of the deficiency payment ends up crossing fiscal years.

Even though we are not increasing total spending by a single penny, and even though farmers will receive no additional income payments as a result of the amendment, there are those who would raise an objection on the basis that the amendment increases the 1987 budget deficit. This seems to ignore the reality that the 1988 budget deficit would be reduced by the same amount.

I am not trying to debate the merits of the budget process. I am simply saying that many of my colleagues and I saw an opportunity to provide payments to farmers to help with spring planting and credit needs by giving them the money they would receive in October now. Many farmers, who have expressed support for the amendment will find it difficult to understand that

a bookkeeping problem could prevent what may be critical financial assistance.

CALCULATION

The method established in this amendment would calculate feedgrain deficiency payments for the 1986 crop on a 5-month, weighted average price, as was the case prior to the passage of the 1985 farm bill.

A HELPFUL CHANGE

Mr. President, I would underscore that this change in the method of calculating feedgrain deficiency payments will provide producers with $2.8 billion in income payments during spring planting, when credit needs will be greatest. The proposal has no impact on overall Government outlays since the feedgrain deficiency payments will be made regardless of whether payments are made now or in October.

EQUITY

This change will also ensure equity between commodity programs since Congress did pass similar legislation prior to adjournment of the 99th Congress for wheat. Congress made the change for wheat since the amount of the deficiency payment was already known. The same situation now exists for feedgrains. We should not discriminate against feedgrains simply because they have a different growing season.

Mr. President, I appreciate the leadership of the distinguished Senator from Iowa and of both Senators from Nebraska, the Senator from Illinois and others.

If we were trying to create a new program, then I think we would be in real trouble.

I would recall, as those who joined, and some who almost joined in passing the 1985 farm bill would, that this was one of the areas of discussion at that time.

What this really involves is bookkeeping. This is only bookkeeping. We are not talking about some new program. We are moving outlays from one year to the next. Last year we moved them into fiscal 1987 to make it look smaller. Now we would like to change that to make it more realistic and to give corn the same privilege that wheat received as far as advanced payments are concerned.

I know that the amendment does change the outlays.

But the amendment would shift payments from October of this year to this spring, and this spring is practically over. By the time this bill is passed and everything is implemented, a lot of the spring planting is going to be done. But it would still be a big benefit to a lot of farmers. Maybe for some farmers, it would not make any difference. But anyone who believes that there has been total recovery in rural America just has not been there.

I am not speaking just about the Midwest. I am speaking about the South. I am speaking about producers of all kinds, whether they be corn or wheat or sugar or tobacco or rice or cotton.

We have made some progress, but we are not there yet.

With this amendment we are not increasing the total spending by a single penny. Farmers are not going to receive any additional income. They are just going to receive it a little earlier and they are going to save a little on interest payments, so they will not have to borrow money at the bank. They are going to be able to pay some of their bills, which might help other people in their rural areas pay some of their bills.

It is a substantial amount of money, but it is not a new program. It is not like some of the other amendments that have been offered.

I would not try to debate this on the merits of the budget process because, frankly, I am not certain there are many merits to debate on the budget process. If we debated the budget process merits it would not take long. Some of us would like to change the budget process, some on both sides of the aisle.

I am just saying that to many of my colleagues, that I saw an opportunity to provide payments to farmers to help the spring planting and credit needs by giving them the money they would receive in October. It is going to be June, July, August, September. We are talking about 4 months, probably 3 months by the time this is implemented. But this would still be a benefit to a great many farmers.

I find it difficult to see how a bookkeeping problem could prevent what may be critical financial assistance.

The method established in this memoranda would calculate feed grain deficiency payments on 1986 crops on a 5-month weighted average price that was the case prior to the passage of the 1985 farm bill.

I just suggest this is an important amendment. I know that those of us who represent farmers may be outnumbered in this body, but keep in mind—and I would say this—if you do not eat, do not worry about the farmer.

Consumers have the best food bargain in the world in America. Only about 10 percent of our disposable income goes to food, down from 17 percent in the last decade. And that is because farmers have been so efficient and so productive.

They may get a Federal subsidy, but the indirect subsidy is to the American consumer because of lower prices in the marketplace.

There is just this one little opportunity, and I know the USDA opposes the amendment. At least, I understand there is to be a letter up here in opposition. But it is hard to argue on the merits. You can argue against this as a violation of the budget process. But this amendment also provides equity for a certain group of farmers.

I would just hope that all those who helped put together the 1985 farm bill and some of those who were not quite certain of the 1985 farm bill would join together now in trying to implement this very important provision.

Again, I thank my colleagues on both sides of the aisle. This has to be a bipartisan effort. It is a bipartisan effort. Farmers really are not looking to see whose amendment it is, but they are trying to find some way, in a very difficult period for a number of farmers, to get one more crop in without borrowing a lot of money and paying a lot of interest. And this amendment would be very helpful.

Mr. JOHNSTON. Mr. President, I yield myself 2 minutes.

Mr. President, all of us, especially those of us from agricultural States, have tremendous sympathy for the farmer. But I think we must point out that the Department of Agriculture and the OMB oppose this matter. I ask unanimous consent that a letter from Richard E. Lyng, Secretary of Agriculture, and James C. Miller III, Director of OMB, dated May 27 and addressed to Chairman STENNIS be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, May 27, 1987.

Hon. JOHN C. STENNIS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Administration is opposed to any amendment to move forward the final 1986 feed grain deficiency payments from a 12-month marketing year price calculation to a 5-month marketing year calculation. Since advance 1987-crop deficiency and diversion payments have been offered, the need for additional income is not critical at this time. The peak need for credit or income to meet production expenses has already passed, and most crops will have been planted before any final deficiency payments that are moved forward could be made. In addition, cash farm income is expected to be record high this year and crop prices have shown increased strength in recent weeks.

The Administration opposed moving forward final wheat deficiency payments last fall. Our concern at that time was that a precedent would be established. Efforts to move forward these payments regardless of need appear to confirm our fears. If $2.9 billion of feed grain deficiency payments were moved forward, this would transfer FY 1988 outlays to FY 1987. Commodity Credit Corporation (CCC) appropriations including the $6.6 billion in the pending supplemental would not be sufficient to finance these increased outlays and the Administration would oppose any additional spending that would result from final 1986 feed grain deficiency payments being moved into FY 87.

As you know, the CCC has been without operating funds since May 1. This action would raise the real possibility of another funding crisis before the end of this fiscal year.

Further, if final feed grain deficiency payments were to be based on the first 5 months of the marketing year rather than the whole marketing year, this would increase outlays in most years due to the fact that prices normally rise during the remainder of the marketing year. If such a change were perpetuated, budget exposure could be increased. Also, the Congress agreed to switch to the 12-month calculation during the conference for the 1985 Farm Bill to help curb program outlays.

In short, the amendment is contrary to efforts to reduce program spending and to lower the Federal budget deficit.

Sincerely,

RICHARD E. LYNG,
Secretary of Agriculture.
JAMES C. MILLER III,
Director of Office of Management and Budget.

Mr. DASCHLE. Mr. President, this amendment to make deficiency payments on corn now rather than in October is simple fairness. The Government must make these payments eventually. The payments should be made now, when farmers need the money most, instead of in the fall, when it is more convenient for Government bookkeeping.

Farmers in South Dakota are growing increasingly and justifiably frustrated with the Government's administration of farm programs. This supplemental appropriation is a classic example of the reason for that frustration.

The Commodity Credit Corporation has ceased operations four times in the last 18 months because it has hit its borrowing ceiling. Farmers, expecting their payments in a timely manner, were forced to wait for money we had promised them while Congress debated emergency appropriations, just as we are doing today.

Mr. President, this amendment would help ease some of the frustration. The Government is obligated for these payments. The money will be spent, the question is whether or not the payments should be made now or in October.

If our purpose for these payments is to help America's farmers, as I believe it is, then the answer clearly is that we should make the payments earlier instead of later.

Farmers need the money now. The time when farmers are short of cash and face hefty expenses is in the spring. Holding the payment until October does not help farmers, it only helps the Government with an accounting problem. That is not enough justification to hold money that the Government owes farmers. Furthermore, farmers are not compensated with interest for the time they are without this money.

Delaying these payments until October is simply not fair. On behalf of South Dakota farmers—who have enough frustrations without the Government adding to that burden—I urge my colleagues to support this amendment.

Mr. PRESSLER. Mr. President, I am pleased to join in cosponsoring the amendment to move up the final deficiency payment for feed grains. The amendment provides for equal treatment of corn farmers and other feed grain farmers.

Many farmers have had problems obtaining credit to plant this year's crop and have had to pay high interest rates for that credit. Distributing the final deficiency payment now would allow these farmers to pay some debts and reduce their interest expenses. Many farmers operate on a very small margin and the difference between paying 11- or 12-percent interest for 6 months and not having to pay that interest may be the difference between a profit or a loss.

The amendment also would treat feed grain farmers in the same manner as wheat farmers. Due to changes made last fall, wheat producers received their final deficiency payment last December instead of this summer. This helped wheat farmers. Now we simply are asking that feed grain farmers be treated the same.

Finally, I would like to emphasize that this amendment does not really have any budget impact. These payments will be made in any event. If they are made now instead of this fall, the cost to the Federal Government will be the same.

Mr. President, I urge my colleagues to join in support of this amendment.

Mr. JOHNSTON. Mr. President, they make two points: first, that, if this money were moved forward, the $6.6 billion in CCC funds would not be sufficient to cover the year and it would create "the real possibility of another funding crisis before the end of this fiscal year."

Mr. President, I also point out that in the Budget Committee CBO has scored this as budget authority of a $2.77 billion increase and an outlay increase of the same amount, $2.77 billion.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, how much time do I have left and also the other side?

The PRESIDING OFFICER. There are 8 minutes and 10 seconds left under the control of the Senator from Iowa and 12 minutes and 10 seconds under the control of the Senator from Louisiana.

Mr. GRASSLEY. Mr. President, I yield myself 2 minutes.

First of all, the Senator from Louisiana raised a very legitimate point that has been raised by the Department of Agriculture, and our amendment answers both of those.

So, for the record, understand that when you are telling people how to vote, do not show them this letter, because this letter does not speak to my amendment. Because we did increase by $2.77 billion the CCC borrowing authority so it is not going to run out any sooner than it previously did. Second, we took care of the oat program costs which could range between $8 million to $10 million. We did that by making that by excluding oats. So that is taken care of.

I want to take this opportunity, Mr. President, to respond to the concerns of Senator LEAHY, and, I suppose, we all need to be reminded of what programs cost and that there can be taxpayers' revolts. But I think that is very much answered from the standpoint of the fact that this is just taking the $2.77 billion that will be spent on October 1 and spending it during this summer, with no additional amount of money coming out of the Treasury.

Second, I think that I ought to raise the point for Senator LEAHY—and I am sorry he is not here, but if he wants to respond, I will give him the time to respond—the second point—is that all the points that Senator LEAHY raised could have been raised against the wheat program when last fall we did exactly for wheat what we are doing this spring for corn, just advancing that final payment to where it traditionally has been in farm programs anyway. We never waited this long in our farm programs for final deficiency payments. This is the first time, and it was done for budget gimmickry reasons.

I want to suggest that Senator LEAHY nor anyone else raised those objections when we did it for wheat, so why is it legitimate that those questions be raised now for corn?

Finally, Senator LEAHY is very concerned about the farm situation. He has visited my State and took a lot of time to hear what the problems are out there.

I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator yields himself an additional 1 minute.

Mr. GRASSLEY. He has been very sympathetic and understanding with those problems, working with myself and other Senators from the upper Midwest trying to solve those problems. But Senator LEAHY did send out a letter in support of the amendment that the Senator from North Dakota [Mr. CONRAD] and I were going to offer to the budget resolution that was going to put some more money into the agriculture function. Senator LEAHY sent out a letter in support of our amendment. He pointed out how

in 1985 165 farms went out of business every day in the United States; farm losses in 1986 were running at 100 to 125 a day.

The PRESIDING OFFICER. The Senator from Iowa has used his additional minute.

Mr. GRASSLEY. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator yields 1 additional minute.

Mr. GRASSLEY. This is very important for urban people to consider. Senator LEAHY's letter further stated that since one-fifth of American jobs are farm-related, farm problems all too quickly become urban problems. So what we are doing with this amendment is trying to keep some of those farmers operating that Senator LEAHY has already expressed very much concern, and legitimately so.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I would be prepared to yield back the balance of my time.

Mr. GRASSLEY. Mr. President, I yield 1 minute to the Senator from Kansas, Senator DOLE.

The PRESIDING OFFICER. The Senator from Iowa yielded 1 minute to the Senator from Kansas.

Mr. DOLE. Mr. President, I am not going to speak on the bill, but I wanted to speak to my colleagues on this side of the aisle about trying to finish this bill today. It seems to me there is no reason it cannot be done. I do not know how many amendments are on that side, but we are down to, I think, a handful. I think most Members are willing to give very short time agreements.

Senator HELMS indicated he has two amendments. I am not certain we will get a time agreement all the way around, but he would be willing to take 10 minutes on a side. We would have to check that with everyone.

I certainly want on the record that I want to cooperate with the leadership on that side and this side to finish this bill by 5:30 today.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 1 minute to respond to the distinguished minority leader.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I very much agree with that. I think, if we wish, we can finish today by 5:30. I hope all Senators are ready with their amendments. The list has shrunk a great deal from yesterday.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Does the Senator want to yield back his time?

Mr. JOHNSTON. Yes, unless the majority leader wishes time.

Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Louisiana has yielded back the balance of his time.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Nebraska had reserved 30 seconds.

The senior Senator from Nebraska has yielded back the 30 seconds.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON AMENDMENTS

Mr. BYRD. Mr. President, first, I thank the staffs on both sides and Senators on both sides for cooperating in the effort to narrow down and to lock in the remaining amendments so that the Senate will know that, when it has reached the end of the road on these amendments, that is it, it is time to vote on the bill.

Mr. President, I am ready to try to put the request, if the managers and acting managers are ready.

Mr. President, I ask unanimous consent that the remaining amendments be limited to the following:

A Conrad amendment, re possible strike. For now I am reading from the Legislative Bulletin that is published by the Democratic Policy Committee on which certain amendments were listed some days ago.

So, the Conrad amendment, re possible strike, was on that list. The Cranston-D'Amato amendment to restore funds for the homeless; the Dixon amendment, re CCC shipments and use of Great Lake ports; the Domenici amendment, re REA; the Domenici amendment regarding EPA; the Domenici amendment regarding homeless; 21 Gramm amendments to strike certain provisions in the bill; the Grassley-Dole amendment regarding feed grains payments.

Mr. DOLE. That is up now.

Mr. BYRD. That is up now.

The Harkin amendment regarding the Antioch Law School; the Heflin-Shelby amendment re Head Injuries Center at the University of Alabama, Birmingham; a Hollings amendment re SBA; an amendment by Mr. JOHNSTON, for Mr. INOUYE, on wind energy; an amendment by Mr. CRANSTON to add funds to meet State requests for AIDS educational prevention programs; an amendment by Mr. METZENBAUM to restore funds for unemployment offices; an amendment by Mr. METZENBAUM regarding orphan drugs; a Cranston-Murkowski amendment regarding $20 million for veterans homeless; a Simon amendment regarding Chicago litigation settlement; a Proxmire VA loan guarantee amendment; a Dixon amendment to remove the World Bank golden parachute; an amendment by Mr. SIMON having to do with South African development; a Levin-Gramm motion to recommit with instructions; an amendment by Mr. MCCLURE with reference to the park system; an amendment by Mr. D'AMATO, a Persian Gulf amendment, with a question mark; an amendment by Mr. COCHRAN having to do with the farm credit; three amendments by Mr. HELMS: one on AIDS, one for a report on assistance to South Africa, and one on the deployment of the ICBM; an amendment by Mr. DODD on the golden parachute, World Bank, transfer for student exchanges with Central America.

Mr. President, some of these amendments I suppose might not be called up, but I would like to close the list, if I could. We have had our cloakroom make inquiries. The list that I have read is a list so far as we can determine on this side and, I believe, in cooperation with the other side. We have been able to narrow down the amendments to those I have enumerated.

Mr. SYMMS. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. SYMMS. Was the majority leader reading just the amendments of the majority party?

Mr. BYRD. No; of both parties.

Mr. SYMMS. I did not hear the majority leader mention the Symms amendment.

Mr. BYRD. I mentioned it earlier. It should be included.

Mr. SYMMS. I thank the majority leader.

Mr. CRANSTON. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. CRANSTON. I will be glad to reach a time agreement on the homeless amendment I have. On the homeless measure, which is the next up, a half-hour evenly divided would be fine with me.

Mr. BYRD. Is there objection? A half-hour evenly divided on Mr. CRANSTON's amendment dealing with the homeless.

Mr. DOLE. All right.

Mr. BYRD. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. And with no amendments to the amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, I understand that Senator DOMENICI will have the second-degree amendment on that particular amendment. I do not have a problem with any of the others.

Mr. BYRD. I do not have a problem with amendments to amendments except when we stack votes. If we stack votes, it is important to rule out amendments to amendments when they can come in and have a vote without any debate at all.

Mr. CRANSTON. They would have to be germane.

Mr. BYRD. Yes.

The PRESIDING OFFICER. Is there objection? Will the majority leader restate the unanimous-consent request?

Mr. BYRD. That on the amendment by Mr. CRANSTON there will be a time limitation of 30 minutes to be equally divided, provided further that the amendments be germane.

Mr. DOLE. Let there be one amendment in order to the amendment that would be germane.

Mr. BYRD. One amendment by Mr. DOMENICI be in order, provided it be germane. What would the time limit be on that?

Mr. DOLE. Ten minutes on a side.

Mr. BYRD. Very well. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Will the majority leader yield further?

Mr. BYRD. Yes.

Mr. CRANSTON. On the other amendments I have—one with Mr. MURKOWSKI and an AIDS amendment—if we could, I would like to arrange for each of those to be the next two amendments after the homeless, and I will agree to a brief time on each of those. Ten minutes equally divided.

Mr. BYRD. I make that request.

Mr. DOLE. As I understand, we cannot do it on the AIDS amendment, but we can on the homeless.

Mr. BYRD. That on the homeless amendment there be a time limitation of 10 minutes equally divided and that that follow the other homeless amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRANSTON. On the AIDS, can we agreed to a time limit?

Mr. DOLE. Let me check. I would have to check. I will be happy to try to work it out.

Mr. CRANSTON. Could we have the AIDS amendment follow the two homeless amendments?

Mr. BYRD. If there is no objection, I will make that request.

Mr. DOLE. Let us try to find a time agreement. Otherwise, we might hold up 20 other amendments while we are trying to work that out.

Mr. BYRD. Very well. I thank Mr. CRANSTON.

I add to the list an amendment by Mr. PELL, which has to do with the Moscow Embassy language, and an amendment by myself which I may offer to delete bill language on the Department of the Interior.

Mr. DOLE. Mr. President, reserving the right to object on the overall request by the distinguished majority leader, there is an additional amendment by Senator WEICKER which I understand is technical in nature, which would not require a rollcall. It is not a money amendment. And there is an amendment by Senator SYMMS to strike everything out of the bill except the CCC authorization, which would not require more than 10 minutes on a side.

Mr. JOHNSTON. There would be an objection to the Symms time agreement.

Mr. DOLE. In addition to that, if I could have the majority leader's attention, I think he named all of the amendments on this side except I think Senator MCCLURE had an amendment on the parks systems, Senator D'AMATO had a Persian Gulf amendment, Senator COCHRAN had an amendment to the Farm Credit Act, Senator HELMS had three amendments—one on a South African report, one on AIDS as it relates to immigrants, and one on ICBM deployment.

Mr. BYRD, Yes; I did list those.

Mr. DOLE. All those were listed?

Mr. BYRD. Yes.

Mr. DOLE. And one question with reference to the amendment by the distinguished Senator from Texas. As I understand, the Senator from Texas, Senator GRAMM, would be willing to offer 1 strike amendment with offsets and transfers which would replace the 20 strike amendments.

Mr. BYRD. I mentioned the 21 amendments but I think the clarification by the distinguished Republican leader should be part of the agreement.

Mr. DOLE. That would be an additional one strike amendment,

Mr. BYRD. Yes. He would have that flexibility.

Mr. GRAMM. Would the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. GRAMM. I would also like to make it clear that this unanimous-consent agreement would in no way eliminate the right of the Senator from Texas, or any other Senator, to raise a point of order against the overall bill at any point during deliberations.

Mr. JOHNSTON. Are you asking for unanimous consent on that?

Mr. GRAMM. I was asking if anything in this unanimous-consent agreement would limit the ability of this Member or any other Member to raise the point of order which lies against the bill which has been withheld to give us an opportunity to work our will and see what the final product looks like. I just want to reaffirm that should this unanimous-consent request be accepted, that that would not eliminate the right of this Senator, or any other Senator, to raise that point of order.

Mr. BYRD. I have not put the request, but as formulated thus far, the request does not waive the point of order nor does it waive waivers of the point of order.

Mr. JOHNSTON. Nor does it set time agreements.

Mr. BYRD. No; it does not. It is an attempt to narrow the listing so that Senators will know what amendments remain and hopefully we finish this by tomorrow. Otherwise, we cannot finish this until next Tuesday, or we will come in Saturday.

Mr. DOLE. Will the majority leader yield for one additional request? Senator HATFIELD could have an amendment if something happened as yet unidentified. It would be a germane amendment relevant to the bill.

Mr. BYRD. Very well. I would include that. I suppose we would have to include one germane amendment to the amendment, not knowing what the amendment would be at this time.

I also understand Mr. CRANSTON has a fallback amendment on homeless. I would like to include that, and then I would like to swing the ax.

I make the request that this be the list.

The PRESIDING OFFICER. Are there any objections to the unanimous-consent request?

Mr. JOHNSTON. Mr. President, reserving the right to object, I have a very small noncontroversial DOD amendment that may be agreed to. I am sure I can add that to the list, together with one germane amendment to the bill. In other words, two Johnston amendments.

Mr. BYRD. Could we identify them?

Mr. JOHNSTON. The DOD amendment has to do with Assistant Secretary of Defense for Comptroller. Really, that is a general description.

The other germane amendment is as yet to be specified. Frankly, it is a backup amendment, actually.

Mr. BYRD. Mr. President, I guess in fairness to everyone, I would have to include that there be a germane amendment in order to the unidentified germane amendment. That is what I asked a moment ago on the other side.

Mr. DOLE. I am advised I may offer one amendment that would strictly fund a study that had been approved in previous legislation. That would be just one amendment I have.

Mr. BYRD. Would it be fair to inquire what the study is about?

Mr. DOLE. I have an amendment which I will be offering this afternoon. The amendment would sell CCC-owned commodities to finance two commissions passed in 1985. The first commission, the National Commission on Agricultural Policy, was established in the 1985 farm bill, and the second,

the National Commission on Agricultural Finance, was established in the Farm Credit Amendments Act of 1985.

Mr. BYRD. Mr. President, I ask unanimous consent that there be no points of order waived on these requests.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope that no Senator will now come in and ask for amendments without notifying not only the managers but the joint leadership so we can keep this as tight as possible.

I thank the Chair.

AMENDMENT 230

The PRESIDING OFFICER. All time has been yielded back.

The Senator from Florida.

Mr. CHILES. Mr. President, if all time has been yielded back, pursuant to section 311(a) of the Budget Act, I raise a point of order against the Grassley-Dole amendment. The amendment would cause additional outlays in fiscal year 1987, approximately $2.8 billion. The total outlay level set forth in the fiscal year 1987 budget resolution, as I have announced previously, has already been exceeded. Therefore, any amendment to the bill which would cause increased outlays in fiscal year 1987 would be subject to a point of order under section 311(a). This amendment has the effect of advancing feed grain deficiency payments by several months. Therefore, it increases the outlays. It is a clear violation of the Budget Act under section 311.

I believe it is important to note that while the proponents consider the amendment to be deficit-neutral over 2 years, the outlay cost could be substantial. The U.S. Department of Agriculture believes the amendment would cost as much as a billion dollars over the next 5 years. This is because the 5-month feed grain price is generally lower than the 12-month price, thereby resulting in higher deficiency payments.

I would like to remind my colleagues that moving to the 5-month price was a congressional decision made in the 1985 farm bill as a cost-cutting measure. To abandon this procedure now will lead us to higher farm price support payments. Therefore, it seems to me that we should not be wanting to waive the point but that we should be wanting to uphold the point. I therefore make the point of order.

Mr. HATFIELD. Would the Senator yield for a question?

Mr. CHILES. I shall be happy to yield.

Mr. HATFIELD. It is my understanding that the amendment not only violates the Budget Act in outlays, but also in budget authority. I believe we are, at the present time, $1.3 billion under in the supplemental, under the budget authority. Adoption of this amendment would put us $1.4 billion over the budget authority.

So it not only violates the Budget Act outlays but, according to my figures, it violates the Budget Act in relation to budget authority.

Does the Senator agree to that or affirm that observation?

Mr. CHILES. It may not put us quite over. I think we have perhaps $3.9 billion left. I see we have a dispute on that. But I think it is clearly over, a clear violation.

Mr. GRASSLEY. Mr. President, would the Senator yield?

Mr. CHILES. I yield.

Mr. GRASSLEY. I would like to clarify something because of something the Senator from Florida said.

On that $1 billion cost, we do not change the marketing year for the remaining years of the farm program through 1990. If we did that, the Senator's statement would be correct. But since we only do it for this year that we are in, that $1 billion cost is not there.

Mr. CHILES. The Senator is technically correct but once we begin swapping these costs over there, I think it is clear that we would have to consider it.

The PRESIDING OFFICER. The Chair informs Senators that a point of order is not debatable.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to waive the Budget Act. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 60—as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—33

Baucus	Dixon	Matsunaga
Bond	Dole	McClure
Boren	Durenberger	McConnell
Boschwitz	Exon	Melcher
Bumpers	Ford	Pressler
Burdick	Grassley	Pryor
Cochran	Harkin	Simon
Conrad	Hatch	Specter
D'Amato	Karnes	Stevens
Danforth	Kassebaum	Thurmond
Daschle	Kasten	Wilson

NAYS—60

Adams	Heflin	Pell
Armstrong	Heinz	Proxmire
Bentsen	Helms	Quayle
Bingaman	Hollings	Reid
Bradley	Humphrey	Riegle
Breaux	Inouye	Rockefeller
Byrd	Johnston	Roth
Chafee	Kerry	Rudman
Chiles	Lautenberg	Sanford
Cohen	Leahy	Sarbanes
Cranston	Levin	Sasser
DeConcini	Lugar	Shelby
Dodd	McCain	Simpson
Domenici	Metzenbaum	Stafford
Fowler	Mikulski	Stennis
Garn	Mitchell	Symms
Graham	Moynihan	Trible
Gramm	Nickles	Wallop
Hatfield	Nunn	Weicker
Hecht	Packwood	Wirth

NOT VOTING—7

Biden	Gore	Warner
Evans	Kennedy	
Glenn	Murkowski	

The PRESIDING OFFICER (Mr. SHELBY). On this vote, the yeas are 33, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the waiver is not agreed to. The point of order is well taken, and the amendment falls.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. The amendment would not be in order at this time.

Mr. SYMMS. I apologize.

The PRESIDING OFFICER. The Senator from California is now recognized.

AMENDMENT NO. 231

(Purpose: To add appropriations for homeless housing programs)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes for himself and Mr. D'AMATO, Mr. MOYNIHAN, Mr. MITCHELL, and Mr. DODD an amendment numbered 231.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 161, between lines 14 and 15, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

(a) TRANSITIONAL HOUSING DEMONSTRATION PROGRAM.—For an additional amount for the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, $60,000,000.

(b) EMERGENCY SHELTER GRANTS PROGRAM.—For an additional amount for the emergency shelter grants program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, $80,000,000.

(c) SECTION 8 EXISTING HOUSING.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is increased by $50,000,000 to be used only to assist homeless families with children.

(d) SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is increased by $35,000,000 to be used only to assist homeless individuals.

VETERANS' ADMINISTRATION

VETERANS' DOMICILIARY CARE AND CARE FOR VETERANS WITH CHRONIC MENTAL ILLNESS DISABILITIES

(TRANSFER OF FUNDS)

For an additional amount for "Medical Care", $20,000,000, to remain available through September 30, 1988, of which $10,000,000 shall be available for converting to domiciliary-care beds underutilized space located in facilities (in urban areas in which there are significant numbers of homeless veterans) under the jurisdiction of the Administrator of Veterans' Affairs and for furnishing domiciliary care in such beds to eligible veterans, primarily homeless veterans, who are in need of such care, and of which $10,000,000 shall be available, notwithstanding section 2(c) of Public Law 100-6, for furnishing care under section 620C of title 38, United States Code, to homeless veterans who have a chronic mental illness disability: *Provided,* That not more than $500,000 of the amount available in connection with furnishing care under such section 620C shall be used for the purpose of monitoring the furnishing of such care and, in furtherance of such purpose, to maintain an additional 10 full-time-employee equivalents: *Provided further,* That nothing in this paragraph shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration; and amounts appropriated in other paragraphs of this title are hereby reduced by a total amount of $20,000,000 by pro rata reductions.

Mr. CRANSTON. Mr. President, I am pleased to offer this amendment together with Senators D'AMATO, MOYNIHAN, MITCHELL, and DODD.

The amendment would provide funding for the Urgent Relief for the Homeless Act, which was approved by the Senate with an overwhelming vote of 85 to 12. A vote for our amendment will be a vote to fulfill a solemn commitment that the Senate made only a month ago.

Mr. President, I ask unanimous consent that the results of the record vote on the Urgent Relief for the Homeless Act be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—85

Adams, Baucus, Bentsen, Bingaman, Boren, Boschwitz, Bradley, Breaux, Bumpers, Burdick, Byrd, Chafee, Chiles, Cohen, Conrad, Cranston, D'Amato, Danforth, Daschle, DeConcini, Dixon, Dodd, Dole, Domenici, Durenberger, Evans, Ford, Fowler, Glenn, Gore, Graham, Grassley, Harkin, Hatch, Hatfield, Hecht, Heflin, Heinz, Hollings, Inouye and Johnston.

Karnes, Kasten, Kennedy, Kerry, Lautenberg, Leahy, Levin, Lugar, Matsunaga, McCain, McConnell, Melcher, Metzenbaum, Mikulski, Mitchell, Moynihan, Murkowski, Nickles, Nunn, Packwood, Pell, Pressler, Proxmire, Pryor, Quayle, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Simpson, Specter, Stafford, Stennis, Stevens, Thurmond, Trible, Wallop, Weicker, Wilson and Wirth.

NAYS—12

Armstrong, Bond, Exon, Garn, Gramm, Helms, Humphrey, Kassebaum, McClure, Roth, Rudman and Symms.

NOT VOTING—3

Biden, Cochran and Warner.

Mr. CRANSTON. Mr. President, we need not repeat here the case for providing help to homeless Americans—large and growing numbers of whom are families with children, veterans, elderly people and the mentally ill. Compelling arguments have been made in many eloquent speeches by a number of my colleagues, by State Governors, by mayors and other local officials, and by private citizens who have personally tried to alleviate this problem. The reality of the suffering is there for all to see.

In my view, the people of this Nation want an effective solution to his disturbing national crisis. A recent Time magazine poll showed that 71 percent of the American people believe that Federal spending to aid the homeless should be increased.

The Senate-passed Urgent Relief for the Homeless Act responded to that public pressure. It is a prudent response to the most pressing needs of homeless Americans. The bill was developed on a bipartisan basis as the result of hard work by many Senators. It was developed with active participation of the Senate leadership of both parties as well as the chairman and ranking minority members of the various committees of jurisdiction.

A central objective has been to get help out to homeless individuals and families just as quickly as possible. We have no time to lose if relief is to be in place before the winter hits once again. After appropriations are enacted, lead time of several months will be needed before the new shelter and services can actually be available at the local level.

The appropriations supplemental now before us is clearly the appropriate vehicle. It would be wrong to wait for a later bill.

The bill now before us does provide appropriations for some elements of the Urgent Relief for the Homeless Act. But is would deny funding for the special housing assistance that is the greatest need for homeless people and that is the very heart of the homeless relief package.

Mr. President, our amendment would provide needed help to our country's most helpless people. Now that spring is here, their suffering may have moved off the front page and the evening news. But winter will soon be back with vengeance and lives will be lost that this amendment could save.

Our amendment would simply provide funding at levels anticipated in the Senate passed homeless bill.

First, the amendment would provide $80 million for the Emergency Shelter Grant Program. These funds would expand the availability of basic shelter and related services to homeless individuals.

Second, the amendment would provide $60 million for the Transitional Housing Program, under which local government and nonprofit organizations would be able to provide housing and supportive services for people who need temporary help in making the transition to independent living.

Third, this amendment would appropriate $50 million for a special allotment of 1,900 section 8 certificates to help homeless families with children. The need for this assistance is enormous, and many local communities have found that this kind of rental assistance can be very effective.

Fourth, it would provide $35 million in additional assistance for moderate rehabilitation of single room occupancy buildings, which many cities need to provide longer term shelter for homeless elderly people and other individuals with special needs.

ASSISTANCE TO HOMELESS VETERANS

Mr. President, I also am delighted to note that our amendment includes another provision to carry out the provisions of the Senate-passed homeless authorization bills, H.R. 558 and S. 477, specifically with respect to veterans. Our amendment would thus allocate to the assistance of homeless veterans $20 million out of the total amount proposed to be appropriated for initiatives specifically relating to homelessness—that amount is $362.5 million including the first part of our amendment.

Mr. President, various estimates indicate that a third of the approximately 350,000 homeless persons in America—some say half or more—are veterans, and, as chairman of the Veterans' Affairs Committee, I strongly believe that the special congressional initiative to deal with the tragedy of homelessness should include efforts to help deal specifically with the plight of those homeless persons who have served in our Nation's Armed Forces.

The $20 million our amendment would allocate to the VA's medical care account, to be derived from pro rata reductions in the other items in the bill as proposed to be amended providing funding for programs specifically for homeless individuals, would be divided in two equal parts. Half would go to increasing the VA's capacity to furnish eligible veterans, primarily homeless veterans, with domiciliary care, a form of institutional care combining room and board with medical and rehabilitative services aimed at enabling the veteran to return to independent functioning in the community. The other half would go toward the furnishing of contract halfway-house and other community-based psychiatric residential treatment, under section 620C of title 38, United States Code, to homeless veterans who are suffering from chronic mental illness disabilities.

Both of these programs which would receive funding under this provision derive from legislation passed by the Senate this year—and in one pertinent respect by Congress as a whole. In Public Law 100-6, the joint resolution enacted on February 12 making funds available primarily to FEMA's Emergency Food and Shelter Program, Congress enacted a provision offered by Senator MURKOWSKI to authorize the VA to provide halfway-house and other community-based contract treatment to certain homeless and other chronically mentally ill veterans and to appropriate $5 million to the VA for that purpose. On March 31, in section 105 of S. 477, the proposed Homeless Veterans' Assistance Act of 1987, the Senate passed provisions, which I proposed in the Veterans' Affairs Committee, specifically requiring that the authority enacted in Public Law 100-6 be utilized to conduct a pilot program for homeless veterans who suffer from such disabilities, with expenditures of $5 million in fiscal year 1987 and $10 million in each of fiscal year's 1988 and 1989 specified. On April 9, the Senate again passed those provisions in section 906 of H.R. 558, the proposed Urgent Relief for the Homeless Act.

In those same two bills, the Senate also passed a provision—section 107 of S. 477 and section 908 of H.R. 558—aimed at expanding the VA's capacity to provide domiciliary care for homeless eligible veterans. Under that provision, the VA would be required, except to the extent that the Administrator of Veterans' Affairs may determine it to be impractical, to covert underutilized space in VA facilities located in areas with substantial populations of homeless veterans to 500 domiciliary beds for the care of veterans in need of domiciliary care, primarily those who are homeless. That provision also included a proviso, which is reiterated in the provision in our amendment, that the domiciliary conversions involved not result in the diminution of the conversion of VA hospital-care beds to nursing-home-care beds.

Mr. President, I note that the House, before passing the fiscal year 1987 supplemental appropriations measure on April 23, adopted an amendment proposed by Representative MONTGOMERY, chairman of the House Veterans' Affairs Committee, to allocate to the VA $20 million of the amounts being provided in title IV of the bill, "Urgent Relief for the Homeless." Under that provision, the entire $20 million would be used solely for expanding VA domiciliary-care programs. Although I agree fully that $20 million should be made available for assistance for homeless veterans, I believe that the funds would be better used if, as is proposed in our amendment, they were targeted specifically on the needs of homeless veterans and were divided between community-based treatment for chronically mentally ill veterans and domiciliary care. In my riew, this division of the funds would, in a manner already twice approved by the Senate, both ensure the adequacy and continuity of funding for the new program of community-based treatment for homeless, chronically mentally ill veterans and enable the VA to undertake a well-targeted program of expanded domiciliary care for homeless veterans.

Mr. President, I greatly appreciate the cooperation of the chairman of the Appropriations Subcommittee, Mr. PROXMIRE, in working out this part of the amendment about which Senator MURKOWSKI, our committee's ranking minority member and former chairman, and I wrote him last month, and I ask unanimous consent that the text of our letter of April 29, 1987, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 29, 1987.

Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, Senate, Washington, DC.

DEAR BILL: We are writing to urge that, during the Appropriations Committee's markup of H.R. 1827, the proposed "Supplemental Appropriations Act, 1987", as the Chairman of the Appropriations Subcommittee with jurisdiction over Veterans' Administration programs you seek to include in that measure, on our behalf, the enclosed provision to allocate to the assistance of homeless veterans $20 million of the total amount proposed to be appropriated for initiatives specifically relating to homelessness. Various estimates indidate that a third of the approximately 350,000 homeless persons in the United States—some say half or more—are veterans, and we strongly believe that the special Congressional initiative to deal with the tragedy of homelessness should include efforts to help deal specifically with the plight of those homeless persons who have served in our Nation's Armed Forces.

The provision we propose would allocate to the VA's medical care account $20 million to remain available through September 30, 1988. That amount would be divided in two equal parts. Half would go to increasing the VA's capacity to furnish eligible veterans, primarily homeless veterans, with domiciliary care, a form of institutional care combining room and board with medical and rehabilitative services aimed at enabling the veteran to return to independent functioning in the community. The other half would go toward the furnishing of contract halfway-house and other community-based psychiatric residential treatment, under section 620C of title 38, United States Code, to homeless veterans who are suffering from chronic mental illness disabilities.

Both of the programs for which we are proposing funds derive from legislation passed by the Senate this year—and in one pertinent respect by the Congress as a whole. In Public Law 100-6, the joint resolution enacted on February 12 making funds available primarily to FEMA's Emergency Food and Shelter Program, Congress enacted a provision offered by Senator Murkowski to authorize the VA to provide halfway-house and other community-based contract treatment to certain homeless and other chronically mentally ill veterans and to appropriate $5 million to the VA for that purpose. On March 31, in section 105 of S. 477, the proposed "Homeless Veterans' Assistance Act of 1987", the Senate passed provisions specifically requiring that the authority enacted in Public Law 100-6 be utlitized to conduct a pilot program for homeless veterans who suffer from such disabilities, with expenditures of $5 million in FY 1987 and $10 million in each of FYs 1988 and 1989. On April 9, the Senate again passed those provisions in section 906 of H.R. 558, the proposed "Urgent Relief for the Homeless Act".

In those same two bills, the Senate also passed a provision—section 107 of S. 477 and section 908 of H.R. 558—aimed at expanding the VA's capacity to provide domiciliary care for homeless eligible veterans. Under this provision, the VA would be required, except to the extent that the Administrator of Veterans' Affairs may determine it to be impractical, to convert underutilized space in VA facilities to 500 domiciliary beds for the care of veterans in need of domiciliary care, primarily those who are homeless. This provision also included a proviso, which is reiterated in the enclosed draft appropriation provision we now propose, that the domiciliary conversions involved not result in the diminution of the conversion of VA hospital-care beds to nursing-home-care beds.

We note that the House, before passing the FY 1987 supplemental appropriations measure on April 23, adopted an amend-

ment proposed by Representative Montgomery, Chairman of the House Veterans' Affairs Committee, to allocate to the VA $20 million of the amounts being provided in title IV of the bill, "Urgent Relief for the Homeless". Under that provision, the entire $20 million would be used solely for expanding VA domiciliary-care programs. Although we agree that $20 million should be made available for assistance for homeless veterans, we believe that the funds would be better used if, as we propose, they were targeted specifically on the needs of homeless veterans and were divided between community-based treatment for chronically mentally ill veterans and domiciliary care. In our view, this division of the funds would, in a manner already twice approved by the Senate, both ensure the adequacy and continuity of funding for the new program of community-based treatment for homeless, chronically mentally ill veterans and enable the VA to undertake a well-targeted program of expanded domiciliary care for homeless veterans.

As always, we greatly appreciate your strong commitment to the needs of the Nation's veterans and urge your favorable consideration of this request.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.
FRANK MURKOWSKI,
Ranking minority member.

Mr. President, I urge my colleagues who voted for the Urgent Relief for the Homeless Act, to vote today in support of this amendment and ensure that promises made are promises kept.

Mr. DOMENICI. Mr. President, will the Senator from California yield to the Senator from New Mexico?

Mr. CRANSTON. Yes, of course.

Mr. DOMENICI. In the unanimous consent agreement it has been stated that the Senator from New Mexico reserved the right to offer a second-degree amendment to the amendment of the Senator from California.

I want to tell the sponsors of this amendment in the Senate that I do not intend to offer a second-degree amendment. In the event the amendment that is pending were to fail either on a point of order or otherwise, then I would offer my amendment as a freestanding amendment, but I do not intend to offer it as a second-degree amendment.

I wanted to make sure the Senate knows it and the Senator from California knows it.

Mr. CRANSTON. I thank the Senator. That is good news. I hope the amendment does not fail so the amendment will not be needed.

Mr. MITCHELL. Mr. President, as a cosponsor of the amendment offered by Senators CRANSTON and D'AMATO, I am pleased that the Senate today will have an opportunity to complete action on housing assistance for the homeless.

As we all know, on April 9 the Senate approved the Urgent Relief for the Homeless Act by an overwhelming 85-12 vote. That bill was the first step in aiding the homeless and authorized $225 million in housing assistance. Additional funds were authorized under the legislation for mental health grants, education programs for children, vocational and literacy programs for adults, and grants for organizations working with homeless individuals with drug or alcohol problems.

The $225 million in housing funds authorized under the Urgent Relief for the Homeless Act represented more than 50 percent of the funds going toward helping the homeless. This is consistent with the priorities we set in committee sessions in examining the legislation. First, these are people without housing and therefore housing funds were a large component of the authorization bill. And second, many of these people have problems preventing them from securing housing and therefore funds were authorized to address some of those problems.

The supplemental appropriations bill under consideration today has no funds specifically allocated for housing. It makes little sense to me to provide funds to address some of the problems the homeless have without addressing their main problem—their lack of housing.

The Urgent Relief for the Homeless Act approved by the Senate authorized $80 million for the Department of Housing and Urban Development [HUD] Emergency Shelter Grants Program—a program that provides funding for the renovation, major rehabilitation, or conversion of buildings to be used for temporary emergency housing for the homeless. Under current law, $10 million is available for this program in fiscal year 1987. But that amount is not enough to meet the current demand for shelter.

The House of Representatives approved $100 million for the Emergency Shelter Grants Program in its supplemental approved just a short time ago. But the supplemental now under consideration, in contrast to the authorization bill the Senate approved last month, provides no funds for emergency shelter grants.

The Urgent Relief for the Homeless Act approved by the Senate authorized $60 million for the Department of Housing and Urban Development [HUD] Transitional Housing Demonstration Program—a program that provides funding for transitional housing and supportive services for the homeless, particularly those capable of moving into independent living. Under current law, $5 million is currently available for this program in fiscal year 1987. But, like the Emergency Shelter Grants Program, that amount is not enough to meet the current demand.

The House of Representatives approved $30 million for the Transitional Housing Demonstration Program in its supplemental bill. But again, contrary to the authorization bill approved last month, the Senate supplemental bill contains no funds for transitional housing.

The Urgent Relief for the Homeless Act approved by the Senate authorized $50 million for HUD's section 8 rental housing assistance certificate program, which was earmarked specifically for homeless families with children. In addition, the act authorized $35 million for HUD's section 8 moderate rehabilitation program for rehabilitating single room occupancy [SRO] housing for the homeless.

These two programs are especially important in areas where housing is simply not affordable for low income individuals or units are available but are substandard. The supplemental under consideration today provides no funds for the section 8 programs.

The Urgent Relief for the Homeless Act approved by the Senate authorized funds for homeless veterans. The legislation specifically proportionately reduced other titles in the authorization bill to provide for veterans assistance. Yet, the supplemental now under consideration would not provide this assistance either.

To be homeless means more than to be without housing, often it means being in poor health. And for many with no money, clothing, food, or the simplest of possessions it means a complete and utter loss of identity.

But our commitment to the homeless begins with the foremost necessity in life, adequate shelter. We affirmed that objective by approving the Urgent Relief for the Homeless Act last month. We need to reaffirm that objective in the supplemental.

It makes little sense to ignore the most central problem facing the homeless. We authorized these housing funds and I firmly believe we should not renege on those promises. I urge my colleagues to support the amendment today.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I am pleased to cosponsor this amendment.

I find it kind of difficult to understand how there should be any substantial opposition to this amendment.

As my distinguished colleague from California pointed out, the housing provisions of the Urgent Relief for the Homeless Act of 1987 passed overwhelmingly, 85 to 12. In that passage, we exhibited a clear commitment to provide immediate Federal assistance to housing for the homeless. Yet we find that we did not provide any dollars whatsoever as it related to housing for the homeless. There is approximately $137.5 million as it relates to health and human services needs, but as it relates to the housing needs, there are no dollars.

There are some who say when this bill comes to conference we can take care of this shortcoming. As a practical matter, we cannot. There are areas that will not be conferenceable. For example, although the House bill contains provisions for emergency shelter grants, although the House provides dollars for transitional housing grants, not one penny of money has been provided as it relates to permanent housing for the homeless, probably the most crucial area.

Do we really want a Nation where we have shelters in every major city for thousands and thousands of people which will be called temporary shelter and that is the answer for the homeless?

I do not believe so. So we have provided desperately needed dollars—$85 million. It does not seem to me that that is a terribly significant amount for this entire Nation to provide section 8 funds, permanent dollars for housing needs, to attempt to deal with this phenomena which will continue to grow.

Let me commend my colleague, the senior Senator from Florida, for working to see to it that there were dollars in HHS to deal with the problems that so many of these families and these individuals find themselves in.

Mr. President, I believe that this is an issue that we do not need extended debate on. This is an opportunity where we measure the statements that someone makes with respect to their actions. If we are committed to doing something in this area, then we should be supportive of this amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, I rise in support of the amendment, also. Clearly, we have a national need. I am not suggesting, and the Senator from California is not suggesting, this is the answer, but it is at least a partial response. We judge whether we are a civilized society not by how we pander to the whims and wishes of the rich and the powerful but by how we help people who are really in need. And that is what this amendment addresses. So I support it.

Let me take 1 additional minute, in addition to speaking on this, to comment on the amendment adopted the other day offered by our colleague from South Dakota, Senator PRESSLER. It dealt with the African situation. It dealt with the issue of necklacing. I oppose necklacing. I know everybody in this body does. The front-line states oppose it.

But the State Department now informs me—and I am one who voted for the Pressler amendment—the State Department informs me that their initial reading is that, as a result of the Pressler amendment, if it should be accepted in the conference, it would in fact deny all economic aid to the front-line states. That clearly is not what we intended.

I have checked with the Parliamentarian. Since the motion was made to reconsider and that was tabled, there is no way, without really tying up this body in a way that I do not want to do, to move ahead on this.

I met with a number of African ambassadors yesterday. They are very concerned about what has happened.

The way to handle it, obviously, is to get rid of the Pressler amendment in conference or adopt a different kind of an amendment that makes clear we do not approve of necklacing. But, I would add, none of the front-line states approve of necklacing.

But the amendment is so drafted—and I am not suggesting this was the intent of Senator PRESSLER—but the amendment is so drafted that it helps South Africa. That was not the intent of the Members of this body who voted for it, and I hope it can be taken care of in conference.

But, again, on the immediate amendment, I think it is a step in the right direction and I am going to be supportive.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I rise today to support the amendment to restore funds for homeless programs to H.R. 1827, the supplemental appropriations bill. These programs are of great interest to me and I believe of significance to this body if we intend to eradicate homelessness in this Nation.

The Senate-passed version of H.R. 558, the Urgent Relief for the Homeless Act, authorizes $225 million to be appropriated for fiscal year 1987 to expand existing housing programs under the Department of Housing and Urban Development, specifically for homeless persons. The provisions are as follows:

First, for the Emergency Shelter Grants Program, $80 million;

Second, for the Transitional Housing Demonstration Program, $60 million;

Third, for section 8 Emergency Housing Assistance Certificates, $50 million; and

Fourth, for the section 8 Single Room Occupancy Moderate Rehabilitation Program, $35 million.

The D'Amato-Cranston amendment would restore the funding needed to implement these programs.

The Senate must act now if these housing programs, along with the other homeless initiatives, are to be in place by the 1987-88 winter.

When we speak of homeless persons, we are talking about a significant number of families with children. According to a recent survey conducted by the partnership for the homeless, a reputable interfaith group in New York which operates this country's largest private shelter network, 35 percent of the homeless population consists of families with children. This makes families the largest group within the homeless population.

In the past, we have heard the administration estimate that there are as few as 250,000 homeless persons. Moreover, we have heard private organizations estimate that there are as many as 3 million homeless persons. Whether the number is 250,000 or 3 million, Mr. President, we must act now to assist these families and other homeless persons, especially in light of the severe winter that battered our States.

While this amendment presents a dilemma for many of us as we think of the current budget deficit, I also know that should the House and Senate not act swiftly in approving this legislation, the national homeless tragedy will only worsen.

I believe that the provisions of this amendment, combined with the other homeless initiatives in the bill, will lead to independence and stability for many homeless persons.

Mr. President, I urge my colleagues to approve this amendment.

Mr. DECONCINI. Mr. President, I rise to speak today in support of the budget waiver for the Cranston-D'Amato supplemental appropriations amendment necessary to provide the urgent funding required for emergency housing, transitional and permanent housing for America's homeless, and principally, our Nation's homeless families. Additionally, the amendment includes $20 million for our homeless veterans. As a member of the Appropriations Committee, I was deeply disappointed when the committee reported the supplemental bill without the most crucial funds to meet the commitment that the Senate made when it overwhelmingly approved $423 million in the homeless authorization bill less than 2 months ago.

Mr. President, every Senator and every Representative recognizes that we have a commitment to the American people to restore fiscal accountability. However, we have an overriding commitment to the American people to keep the promise we made to care for those in desperate need of assistance.

Mr. President, the American people understand the plight of the homeless, especially the homeless family and our homeless veterans. Before we authorized the $225 million for shelter, transitional and permanent housing for the homeless, we knew that greater than two-thirds of all Americans favored increased expenditures for taking care of the homeless. The American people have seen more and more of these families on the street, living in cars, under bridges, and other

makeshift housing. The American people are compassionate and homelessness ranks among their top priorities for increased Federal spending.

Mr. President, I do not want to belabor this point. We have a lot to accomplish today. Before concluding, I would just like to recall the words of a great American concerning the care we as a society give to those in the greatest need. Shortly before his death, our beloved colleague, Hubert Humphrey, said the moral test of a society is how it treats its people at the dawn of life—its children—how it treats those at the twilight of life—the elderly—and how it treats its citizens in the shadows of life—the weak, the disadvantaged, the poor, and the handicapped.

Mr. President, the homeless family in America today is in the shadows, hoping that we will live up to our word, and deliver them from the tragedy and dispair which they confront each day. I urge my colleagues to remember Senator Humphrey's challenge to the American people when they cast their vote to waive the Congressional Budget Act. The American people have responded to that challenge. It is now in our hands to respond to their will.

Mr. CRANSTON. Mr. President, I yield 30 seconds to the Senator from New York, and then I yield to the Senator from New Mexico.

Mr. D'AMATO. Mr. President, I move that titles III and IV of the Budget Act be waived with respect to this amendment.

The PRESIDING OFFICER. The question is on that motion.

Mr. CRANSTON. Now, I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry.

Is the motion debatable?

The PRESIDING OFFICER. The motion is debatable within the time frame permitted for debate on the amendment.

Mr. DOMENICI. I wonder if my friend from California would yield to the Senator from New Mexico a couple of minutes.

Mr. CRANSTON. Absolutely; I am delighted to do so.

Mr. DOMENICI. Mr. President, I am going to support the motion to waive the Budget Act in this case. Had a point of order been made, I would have supported denying the point of order. Let me tell the Senate why.

First of all, as a matter of substance, I believe we ought to spend some money on the problem of the homeless in this country. I think it is one of the truly deplorable social situations. We do not know all the answers, but we do know that we are doing too little about it. We now have some good authorizing legislation under consideration that would provide assistance through our cities, counties, and States that will alleviate the homelessness problem.

Mr. President, and Members of the Senate, let me tell the Senate how I see points of order on this bill with reference to this kind of amendment.

First of all, from the first dollar that the appropriators put in a bill, that bill is subject to a point of order this particular year. That is a fact of our time.

Now, nobody ought to kid themselves. There is a group of Senators called appropriators. One of those happens to be the Senator from New Mexico. The Appropriations Committee is a very good committee. We work very hard. We choose what we wanted to put in this appropriation bill to the tune of an additional $2.6 billion in outlays over the budget resolution ceiling. We breached the budget. And then, when somebody comes down here with an amendment, we talk as if it is this amendment that is breaking the budget, while, as a matter of fact, it is already broken. It is broken to the tune of $2.6 billion with the choices having been made by the Appropriations Committee, except for only one amendment that I understand has been accepted here on the floor of the Senate.

So it seems to the Senator from New Mexico that we ought to have a real choice of saying this money is as important as any other expenditure in that bill. I happen to think it is. I happen to think we ought to spend this kind of money. As a matter of fact, I would have been for cutting things out of the appropriation bill to pay for this. That is not the will of the committee, and that is not the will of the Senate.

So it seems to me this is exactly what the Budget Act was intended for. It is not some major fiscal issue we are talking about. It is whether we have a chance to add something to this appropriation bill, which is already substantially over the budget; nothing else, nothing more.

Mr. CRANSTON. I thank the Senator from New Mexico for a very fine and very convincing statement.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, am I in control of the time on this side?

The PRESIDING OFFICER. The Senator is in control of the time,

Mr. JOHNSTON. Mr. President, this is an excellent amendment. I would ordinarily strongly support it, but sometimes, as a floor manager, you must object to an amendment in order that the best not be the enemy of the good.

In this case, Mr. President, we were criticized, are still being criticized, for add-ons in the Appropriations Committee, the money from the housing, some $75 million in scope, being one of those items being the subject of the criticism.

Now this would add some $225 million, I think that is a correct figure, in addition to that, which I think we ought to do. I think it would be a good idea to do that.

But in the process, we add additional burdens to this supplemental appropriations bill which has yet to pass muster with a waiver of the Budget Act, because twice we have tried to waive the Budget Act with respect to the whole bill and have failed.

So my concern is if you add another $225 million on top of that, then all of our several days of labor here would be for naught.

So, Mr. President, while I support the homeless, I would have to oppose this waiver because it is part of an urgent supplemental and it could I think better be done in the regular appropriations bill. And when the Senator from California proposes it as part of the regular appropriations bill, I and others, and I think the Appropriations Committee, will support this.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield to the Senator from Florida, Mr. CHILES, such time as he shall desire.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, the motion has already been made to waive the Budget Act. That is a 60-vote motion. I want to make a couple of points. One is, part of the offset for this money here, some $20 million, comes out of moneys that we put in for health and human services for alcohol, drug abuse, mental health, and community services block grants.

They have to take the cut out of that particular money. Veterans' housing is certainly good. So is the alcohol abuse program. So are community services block grants. So we are going to go in there and tap that fund. We will take $20 million out of that.

I think when we recognize that we are having a vote here which Members will not be happy about, you are cutting somebody where we are trying to do something in alcohol and drug abuse, cutting something in the community services block grants. Those programs, as we know, are tremendously underfunded. You are sort of robbing Peter to pay Paul in that situation.

I do not like the fact that this bill is over. Maybe we ought to send the whole thing back and get it pared down and then stay within it. But on this thing of just the ability to be able to go back and cut funds as we have already tried to do in these services, and then waive a point of order, I do not agree with that, either. At some stage, you have to determine whether you are going to find some way to stay within some rational bounds until the Senate has a chance to work its will.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. A parliamentary inquiry, Mr. President. My understanding is that the question will come on the motion to waive. Is that a 60 vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. Mr. President, if the Senator from California is ready to yield back the remainder of his time.

Mr. CRANSTON. Senator DOMENICI wanted 1 minute.

Mr. DOMENICI. Mr. President, the point I am making is this: We report out a bill that is $2.9 billion over budget and those who are proponents of that bill, including my good friend, the chairman of the Budget Committee, move to waive the Budget Act for that $2.9 billion.

Where did the magic of the $2.9 billion come from? The entire $2.9 billion is over budget. It could just as well have been $2.6 billion, $2.3 billion, $2.2 billion, or $3.4 billion, but it was $2.9 billion. Every amendment offered to it is treated as if it is breaking the budget, and, as a matter of fact, the same proponents of waiving for the $2.9 billion want to put everybody else to the test of 60 votes for their free-standing amendments as if they have some special significance that is related to the budget. All of it is over and they do not choose to include this program. It appears to me that the rights were reserved in committee to offer it on the floor and we ought to waive.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from California.

Mr. CRANSTON. Mr. President, I appreciate the manager of the bill, the Senator from Louisiana, stating that this is an excellent amendment, and I appreciate his saying that we should adopt it at another time. I want to say that time is short, we need planning, and these homeless people will need help in the next winter. The vote was 85 to 12 for what is in this measure. That is the rollcall. Let us stick by it. I yield the final moments to the Senator from New York.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHILES. Vote.

Mr. JOHNSTON. Mr. President, I yield 30 seconds to the distinguished Senator from New York.

Mr. D'AMATO. Mr. President, I would like to make the point that we did pass this 85 to 12, but in the Appropriations Committee, let there be no mistake, I indicated to the committee members that rather than have a fractious vote at that point in time and a debate that would take many hours, that I would raise this amendment with Senator CRANSTON on the floor. It comes as no news. I think my colleague Senator DOMENICI stated it well. It is $2.9 billion over the budget, but to say that we cannot find $225 million beyond to give meaning to housing for the homeless I think would be a travesty.

Mr. JOHNSTON. Mr. President, just on this question of where the $2.9 billion came from, it came from the request of the President of the United States principally. Pay and retirement costs alone were almost $1.6 billion, a mandatory item. The President had another $2.7 billion in military requests. The Senate pared that down to only $768 million.

So, Mr. President, it was not a question, for the most part, of the profligacy of the Senate's Appropriations Committee, but rather, for the most part, the must pay items and urgent items requested by the President of the United States.

Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 46, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—47

Adams	Ford	Packwood
Boschwitz	Grassley	Pell
Bradley	Harkin	Pressler
Bumpers	Hatfield	Pryor
Burdick	Heinz	Riegle
Chafee	Kerry	Sanford
Cohen	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
D'Amato	Levin	Shelby
Daschle	Matsunaga	Simon
DeConcini	McCain	Specter
Dixon	Melcher	Stafford
Dodd	Metzenbaum	Stevens
Dole	Mikulski	Weicker
Domenici	Mitchell	Wilson
Durenberger	Moynihan	

NAYS—46

Armstrong	Gramm	Nunn
Baucus	Hatch	Proxmire
Bentsen	Hecht	Quayle
Bingaman	Heflin	Reid
Bond	Helms	Rockefeller
Boren	Hollings	Roth
Breaux	Humphrey	Rudman
Byrd	Inouye	Simpson
Chiles	Johnston	Stennis
Cochran	Karnes	Symms
Conrad	Kassebaum	Thurmond
Danforth	Kasten	Trible
Exon	Lugar	Wallop
Fowler	McClure	Wirth
Garn	McConnell	
Graham	Nickles	

NOT VOTING—7

Biden	Gore	Warner
Evans	Kennedy	
Glenn	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the waiver is not agreed to.

The question is on agreeing to the amendment.

Mr. JOHNSTON. Mr. President, am I correct that a point of order was not made under this bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. Mr. President, I make the point of order, under the Budget Act, that this amendment exceeds the Budget Act.

The PRESIDING OFFICER. The point is well taken. The amendment falls.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Cranston-Murkowski amendment, which is now supposedly the pending business under the previous agreement, be temporarily set aside so that an amendment by Senator PROXMIRE may proceed at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

AMENDMENT NO. 232

(Purpose: Provide $100,000,000 for Veterans' Administration's Loan Guaranty Revolving Fund)

Mr. PROXMIRE. Mr. President, I thank my good friend, the senior Senator from California.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE], for himself, Mr. GARN, and Mr. CRANSTON, proposes an amendment numbered 232.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, after line 20, insert the following:

Loan Guaranty Revolving Fund

For expenses necessary to carry out Loan Guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), $100,000,000, to remain available until expended.

Mr. PROXMIRE. Mr. President, last week I proposed this amendment to the supplemental bill to provide $100 million for the Veterans' Administration's Loan Guaranty Revolving Fund. This fund allows the VA to provide credit assistance to eligible veterans, active duty servicepersons, and certain surviving spouses seeking to buy, build, refinance or repair a home, condominium or mobile home. Money is paid into the revolving fund through a 1-percent funding fee paid by those receiving loan guarantees, through the sale of loans on foreclosed properties, and through direct appropriations. Money is paid out of the fund to lenders when defaults on loans occur. These payments cover the outstanding balance due the lender plus costs incurred through foreclosure up to the amount of the guarantee.

The administration is requesting this additional appropriation because of higher than planned foreclosures and the repurchase of loans sold with recourse that have subsequently gone into default. If we choose not to provide the funds the VA could borrow money from the readjustment benefits account, known to most of us as the GI bill program, but these are entitlement funds that would eventually have to be appropriated back into the readjustment benefits program. We are told that the funds will be needed within the next 60 days if the VA is to honor its commitments under the loan guaranty program and those commitments, of course, carry with them the full faith and credit of the Federal Government.

Mr. President, I withdrew the amendment when some of my colleagues expressed their concern over a possible Budget Act point of order. I understand that no points of order lie against the amendment under section 311 of the Budget Act. The Congressional Budget Office tells us that this amendment would not produce outlays in 1987 and we have adequate budget authority left to accommodate the amendment.

I discussed this with the managers of the bill, and to the best of my knowledge, there is no objection to the amendment, Mr. President.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator from Wisconsin is correct, precise, and persuasive, and we accept the amendment.

Mr. GARN. Mr. President, the amendment is acceptable to the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 232) was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 233

(Purpose: Delete language relating to the organization of the Washington office of the National Park Service)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment of the majority leader?

Mr. BYRD. Mr. President, why was there objection? Was there an amendment pending?

The PRESIDING OFFICER. Yes, the Cranston amendment is still pending.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Cranston amendment be temporarily put aside to consider the amendment by the majority leader and one more amendment after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 233.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete lines 16 through 23 on page 52 and insert in lieu thereof the following:

ADMINISTRATIVE PROVISION

Mr. BYRD. Mr. President, while Mr. MCCLURE is on the floor, the amendment deletes an administrative provision pertaining to the organization of the Washington office of the National Park Service. The committee's reprogramming guidelines require that reorganizations not provided for in regular appropriation bills or reports accompanying those bill be submitted to the committee for approval prior to implementation. Last fall, the National Park Service, Washington office, was reorganized without the appropriate reprogramming notice being provided to the committee.

The committee discussed this issue with the Secretary at a hearing on February 18 and with the Assistant Secretary for Fish and Wildlife and Parks at a hearing on February 20. Both the Secretary and the Assistant Secretary stated that they did not feel that they could or would comply with the reprogramming guidelines of the committee.

Consequently, Mr. President, we included language in the fiscal year 1987 supplemental seeking the reorganization of the Washington office of the National Park Service in a specific manner.

Yesterday, Mr. President, the Secretary of the Interior sent me a letter stating "Let me assure you that it is my intention to comply with your reprogramming guidelines. In consideration of the committee's views on this matter. I am prepared to organize the Office of Policy Development as set forth in the report." The Secretary's letter goes on to state "Accordingly, I respectfully request that the Senate delete the specific provision in the bill on this subject."

Mr. President, I compliment the Secretary of the Department of the Interior on his letter. He is a man of high integrity. And I take his letter to be a statement of intent that if the Senate deletes the specific provision as he requested, he will take the desired action to reorganize the Washington office of the National Park Service. I also take him at his word that he intends to comply with the committee's reprogramming guidelines.

Consequently, Mr. President, in view of the Secretary's letter, I feel there is no longer a need for the language and I am offering this amendment to delete the provision. I urge my colleagues to support the amendment.

Mr. JOHNSTON. Mr. President, I personally cleared this amendment with the majority leader, and we accept it.

Mr. McCLURE. Mr. President, I thank the Senator from West Virginia for offering this amendment.

There could have been a continued confrontation between the administration and the Congress on this issue. The Secretary has chosen not to pursue that confrontation any further.

I think this is a good resolution of the problem. I commend the Senator for offering the amendment at this time.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the ranking member of the subcommittee, for his statement and for his support.

Mr. President, I ask unanimous consent that the letter to which I referred dated May 27, 1987, addressed to me by Secretary Hodel, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, May 27, 1987.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on the Department of the Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Appropriations Committee version of the FY 1987 Supplemental Appropriations bill (H.R. 1827) contains language in the National Park Service administrative provisions which seeks to establish an Office of Policy Development (OPD) within the immediate Office of the Director under his sole supervision.

Accompanying report language (page 67 of Senate Report 100-48) indicates that the bill language is in response to Congressional concern regarding the Department's implementation of Committee reprogramming guidelines.

Let me assure you that it is my intention to comply with your reprogramming guidelines. In consideration of the Committee's views on this matter, I am prepared to organize OPD as set forth in the report.

Accordingly, I respectfully request that the Senate delete the specific provision in the bill on this subject.

If you have any further concerns regarding this matter, please let me know. I remain committed to good working relations with the Congress.

Sincerely,

DONALD PAUL HODEL.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further discussion on the amendment? If not, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 233) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending business is the Cranston amendment.

Mr. CRANSTON. The pending business is my unanimous-consent request to ask that another amendment come in before it, since we are not quite ready with the langauge.

The PRESIDING OFFICER. The Senator is correct.

Does any Senator seek recognition?

Mr. BYRD. Mr. President, what amendment is now before the Senate?

The PRESIDING OFFICER. The Senator from California asked unanimous consent, which was agreed to, that another amendment be eligible to be offered at this time prior to the Cranston amendment.

Mr. BYRD. Is there another amendment backed up behind the amendment by Mr. CRANSTON?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. Is that an amendment by Mr. HOLLINGS?

The PRESIDING OFFICER. The Senator from South Carolina, Senator HOLLINGS, is the author.

Mr. BYRD. I thank the Chair.

Mr. JOHNSTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. We have a list of amendments which are, as I understand it, exclusive amendments, and no other first-degree amendment other than those listed may be brought up. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. Is it a necessity that all of those be brought up, or is the bill now ready upon no further debate for third reading?

The PRESIDING OFFICER. The Chair will state that on the list there are three amendments that still must be dealt with.

Mr. JOHNSTON. Very well. In other words, though, if Senators want to have their amendments dealt with, they should come this afternoon because we will be ready upon the disposal of the three pending amendments for third reading?

The PRESIDING OFFICER. The Senator makes a very wise observation which is correct.

Mr. JOHNSTON. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, the two managers are waiting patiently for Senators to come to the floor and call up their amendments. We are not going to be able to complete this bill today unless the Senators call up their amendments. As a matter of fact, if Senators do not call up their amendments, we will not be able to complete it tomorrow. I hope that Senators will take advantage of the opportunity.

I had one amendment and I called it up because I saw a good place to call it up. That was when no other Senator was seeking the floor to get recognition to call up his amendment. If I had another amendment, this would be a good time and I would be offering it, but I do not have another amendment. But it is a good time for other Senators to come to the floor and call up their amendments.

Mr. President, I hesitate to put in a live quorum to get the attention of Senators, but I just hope that the two cloakrooms will outdo themselves in trying to get Senators to come to the floor and call up their amendments. I want to thank the floor staffs on both sides and in the cloakrooms for trying to get Senators to come to the floor and call up their amendments.

Having said that, I will not at this time put in a live quorum. That would disrupt too many committee meetings. But sometimes we have to resort to such disruptions to get Senators to come to the floor and call up their amendments.

I yield the floor, Mr. President.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I believe the amendment of this Senator and the Senator from Arkansas [Mr. BUMPERS] is now the pending business. I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The Chair will state to the Senator from South Carolina that the pending business is the Cranston-Murkowski amendment.

AMENDMENT NO. 226, AS MODIFIED

(Purpose: Provided for continuation of disaster loan making activities)

Mr. HOLLINGS. Mr. President, I ask unanimous consent that that amendment be temporarily set aside and we recall the Hollings amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself and Mr. BUMPERS proposes as amendment numbered 226, as modified.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 13: restore the matter stricken on line 7 and insert:

"SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,000,000 for disaster loan making activities, derived by transfer from the "Business Loan and Investment Fund":

Provided, That the limit on direct loans in Public Law 99-500 and 99-951 is hereby reduced to $89,000,000: *Provided further*, That of the funds made available under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1987, as included in Public Law 99-500 and 99-951, for Small Business Development Centers, an amount not to exceed $2,000,000 may be transferred for disaster loan making activities."

Mr. HOLLINGS. Mr. President, this is the Small Business Administration amendment to transfer over some $8 million for the disaster loan activities. As we explained in the presentation on the floor yesterday, we run out of money in July. This amendment has been suggested by the distinguished Senator from Arkansas and the chairman of the SBA authorization committee and the distinguished ranking member, the Senator from Connecticut, Senator WEICKER.

Mr. SASSER. Mr. President, will the distinguished Senator yield for just a moment?

Mr. HOLLINGS. I am delighted to yield.

Mr. SASSER. I might say that this amendment, with the changes that have been made, I am advised by the distinguished manager of the bill, has been cleared with our side.

Mr. HOLLINGS. Yes, that is correct. I thank the distinguished Senator. It has been cleared in the context of this—I do not know what they call it—accounting method they have downstairs, "provided, that the limit on direct loans in Public Laws 99-500 and 99-591 is hereby reduced to $89 million." I think that was the requirement in the order to comply with the Budget Act.

So, if we are now in compliance, I would be glad to answer any questions or to move the adoption of the amendment.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If not, the question recurs on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 226), as modified, was agreed to.

Mr. HOLLINGS. I thank the distinguished managers of the bill and our majority leader, and the Senator from Utah.

Mr. BYRD. Mr. President, I thank the distinguished Senator from South Carolina. There are many things I admire about the Senator from South Carolina. One of them is that you do not need to find out how he stands on any question. He will not beat around the bush about it.

Another thing I admire him for and appreciate very much is the fact that if he has an amendment, the staff calls him and tells him that it is a good time to call up his amendment and the leadership wants some amendments, and the Senator from South Carolina comes to the floor. That helps to move the Senate's work along and it does not go unnoticed or unappreciated, at least by this Senator.

Mr. HOLLINGS. I thank the distinguished majority leader.

Mr. CRANSTON. Mr. President, the Cranston-Murkowski amendment is now pending. I ask unanimous consent that it be set aside until such time as we are ready to call it up when another amendment is not pending.

The PRESIDING OFFICER. The Chair will state to the Senator from California that a Senator previously requested that the Cranston amendment be temporarily set aside pending the offering of another amendment.

Mr. CRANSTON. Yes, but I would now like to ask unanimous consent that I be authorized to set it aside and bring it up when we are ready with it, and we are almost ready, when another amendment is not pending.

The PRESIDING OFFICER. Is there objection to the Senator's unanimous-consent request? Without objection, it is so ordered.

Mr. JOHNSTON. Parliamentary inquiry. Will this mean it will come up automatically or must it be called up?

The PRESIDING OFFICER. The Chair would state the amendment would have to be brought up at an appropriate time.

Mr. JOHNSTON. I thank the Chair.

Mr. President, parliamentary inquiry. Is the Metzenbaum amendment now the pending business?

The PRESIDING OFFICER. The Senator from Louisiana is correct.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, unless a Senator has an indication that another Senator is going to come to the floor and call up an amendment soon, I am going to put in a live quorum call. Perhaps that will get the attention of Senators. It may take a little longer to get an amendment up that way, but at least we can call to the attention of Senators that we are not in a recess and there is work to be done on this bill. Senators have indicated that they want to call up amendments, they have identified their amendments, and now the managers are patiently—I should say impatiently—sitting and waiting for Senators to come to the floor and call up their amendments. I will suggest the absence of a quorum and it will be a live quorum, unless a Senator indicates he wants to call up an amendment at this time.

Mr. CRANSTON. If the Senator will yield, I will say I know the need to call up amendments. We have two amendments which are almost ready, but not quite. They will be ready soon. That is why I am staying on the floor so that I can call them up as soon as they are ready.

Mr. BYRD. Mr. President, I understand that there is some amendment about to be called up within 5 or 10 minutes. I shall relent momentarily. I would like to put in a live quorum, but that takes time, too, and takes Senators away from committee meetings. But there is such a thing as inconveniencing all Senators when Senators who have amendments do not call them up when there is ample opportunity to call them up and nobody else is seeking recognition. This means the Senate will be on this bill later tomorrow than it would otherwise be and perhaps even on next Tuesday, we shall still be on the bill.

Mr. President, I suggest the absence of a quorum. I understand that there will be an amendment probably ready to be called up within 5 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 234

(Purpose: To state the opposition of the United States Senate to the use of any funds provided by this act to pay severance pay to any World Bank employee)

Mr. DIXON. Mr. President, I send an amendment to the desk——

The PRESIDING OFFICER. Does the Senator seek unanimous consent to offer his amendment at this time?

Mr. DIXON. I do, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] for himself, Mr. KASTEN, and Mr. INOUYE proposes an amendment numbered 241.

At the end of the bill, add the following:

It is the sense of the Senate that no funds provided under this act may be used for the payment of severance pay to any employee of the International Bank for Reconstruction and Development (World Bank).

Mr. DIXON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DIXON. Mr. President, I really consider this amendment noncontroversial in the sense that the distinguished chairman and ranking member of the jurisdictional subcommittee, Senator INOUYE of Hawaii and Senator KASTEN of Wisconsin, are co-

sponsors of this amendment with me. I wish the record to show that Senator DECONCINI of Arizona is a cosponsor as well.

The clerk has read the text of the amendment, which simply says that it is the sense of the Senate that no funds provided under this act may be used for the payment of severance pay of any employee for the International Bank for Reconstruction and Development. That is the World Bank.

I told the Senate the other day, when I tried to obtain money for summer jobs for disadvantaged youth, that this particular supplemental contemplates the award of golden parachutes in the amount of $200,000 apiece for 390 employees of the World Bank.

Mr. President, all of those employees are paid very substantial salaries. I cannot prove this, but my personal information is that, believe it or not, the World Bank, in addition, pays their Federal taxes on top of their salaries. I hate to suggest that at severance time, they also get $200,000 apiece in golden parachutes as severance pay. It is simply an outrage.

I believe there is no objection to this language, which assures that that will not take place. I would be more than willing to yield time for anyone else who desires to be heard. I think we have discussed this so thoroughly—all of yesterday—that there is nothing I can add to the comments I have already made except to suggest that at a time when we have serious budgetary deficits, I consider it an outrage to spend this kind of money on $200,000 severance-pay awards for employees of the World Bank.

The PRESIDING OFFICER. Is there any further discussion of the Senator's amendment?

The Senator from Utah.

Mr. GARN. Mr. President, it is my understanding that this amendment is acceptable to both the majority and the minority. Senator KASTEN and Senator INOUYE, I believe, are cosponsors.

I only ask the question of the Senator from Illinois, if it is acceptable, is there a necessity to have a rollcall vote?

LEAD PARACHUTES AT THE WORLD BANK

Mr. DECONCINI. Mr. President, I support Senator DIXON's amendment to reduce the U.S. contribution to the World Bank by $100 million. The World Bank, which lends money to the world's poorer countries, seeks to generously give an enhanced severance pay package to top officials to the tune of $100 million. Potentially, an individual could receive up to $200,000. In sophisticated business vocabulary this is referred to as a "golden parachute" benefit. In Arizona, this is called plain and simply a "lead parachute."

While the World Bank may accomplish some worthwhile and beneficial services to address problems such as world hunger, this type of generous severance plan has no place in foreign assistance. While direct bilateral foreign assistance does help the U.S. commitment to a strong defense and alleviating starvation, this multilateral assistance, which we obviously cannot control, diminishes the effectiveness and support for good programs. This $100 million lead parachute should never be allowed to fly. I know it would not in Arizona.

Mr. President, I urge my colleagues to support this amendment and convey to our constituents that we in Congress are performing our oversight role. We are seeking to eliminate waste and greed. We are careful with U.S. tax dollars. This amendment achieves all these requirements and I thank Senator DIXON for his leadership on this issue.

Mr. DIXON. Let me say to the distinguished manager on the other side that I would like to have a rollcall vote so the message is clear to the World Bank. Very frankly, all the information I have about the way they conduct their business makes me concerned about the very questionable methods they employ in connection with paying their employees.

I would like the rollcall, I say to my colleague. There being nothing else pending at this time, I believe I would like the rollcall.

Mr. GARN. I suggest we go ahead and vote, then.

Mr. JOHNSTON. Mr. President, I apologize for being off the floor. This is the Senator's amendment on the World Bank at this point; is that correct?

Mr. DIXON. That is correct.

Mr. JOHNSTON. If we are willing to accept the amendment, could we vitiate the yeas and nays? Let me put it this way: If we enthusiastically accept it, could we vitiate the rollcall vote?

Mr. DIXON. Mr. President, I repeat the same thing to the Senator from Louisiana that I said to the Senator from Utah, that nothing is happening anyway and I think I would prefer the rollcall vote to show we are dead serious about these questionable practices contemplated by the World Bank.

Mr. JOHNSTON. If that is the case, Mr. President—the yeas and nays have been asked for?

The PRESIDING OFFICER. The yeas and nays have been asked for and ordered.

The question is on agreeing to the amendment of the Senator from Illinois.

Mr. DIXON. Mr. President, one of the folks on this side has suggested to me that some Senator may want to come over on this matter and out of courtesy to that Senator, we should not begin the rollcall. I hesitate to take the time of my colleagues but I want to accommodate a colleague.

Mr. JOHNSTON. Mr. President, I hope our friend would let us go ahead with the rollcall, because we are trying to push the bill ahead.

Mr. DIXON. No problem. My colleague may go right ahead.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY], are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—90

Adams	Fowler	Mitchell
Armstrong	Garn	Moynihan
Baucus	Graham	Nickles
Bentsen	Gramm	Nunn
Bingaman	Grassley	Packwood
Bond	Harkin	Pressler
Boren	Hatch	Proxmire
Boschwitz	Hatfield	Pryor
Bradley	Hecht	Quayle
Breaux	Heflin	Reid
Bumpers	Heinz	Riegle
Burdick	Helms	Rockefeller
Byrd	Hollings	Roth
Chafee	Humphrey	Rudman
Chiles	Inouye	Sanford
Cochran	Johnston	Sarbanes
Cohen	Karnes	Sasser
Conrad	Kassebaum	Shelby
Cranston	Kasten	Simon
D'Amato	Kerry	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Stafford
DeConcini	Levin	Stennis
Dixon	Matsunaga	Stevens
Dodd	McCain	Symms
Dole	McClure	Thurmond
Domenici	McConnell	Trible
Durenberger	Melcher	Wallop
Exon	Metzenbaum	Wilson
Ford	Mikulski	Wirth

NAYS—3

Lugar	Pell	Weicker

NOT VOTING—7

Biden	Gore	Warner
Evans	Kennedy	
Glenn	Murkowski	

So the amendment (No. 234) was agreed to.

Mr. CRANSTON. Mr. President, I wish to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. I suggest to the Senator from California that there is a pending amendment and it takes unanimous consent to set aside the Metzenbaum amendment at this point in time.

Mr. CRANSTON. I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Mr. SYMMS. Mr. President, reserving the right to object, and I shall not object, I wish to make an inquiry here of the managers of the bill. I have been waiting all day to offer an amendment. What does the prospect look like after the Cranston amendment is disposed of?

The PRESIDING OFFICER. If the Senator will pause a moment, I will inquire of the manager of the bill, the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. What is the pending business?

The PRESIDING OFFICER. The pending business is the Metzenbaum amendment, and there is pending a unanimous-consent request that the Senator from California [Mr. CRANSTON], may offer his amendment.

Mr. CRANSTON. The Senator from Idaho has posed a question to the manager of the bill.

Mr. SYMMS. Mr. President, is there a schedule here or are Senators just seeking recognition? Is there anything in the record that is in order as to who is to come up next or what?

Mr. JOHNSTON. The Metzenbaum amendment is the pending business, but is not ripe because they want to set that aside for additional drafting.

Then did I understand the Chair to say that the Cranston amendment occurs after that and is pending?

The PRESIDING OFFICER. I have recognized the Senator from California and there is a unanimous-consent request pending that the Metzenbaum amendment be set aside so that the Senator from California may offer his amendment so it will be the pending business, because he had been recognized.

Mr. JOHNSTON. Is there any pending business other than the Metzenbaum amendment and the Cranston Amendment?

The PRESIDING OFFICER. There is no other pending business. The Cranston amendment is not yet offered. The Metzenbaum amendment is pending. There is no other business other than the bill itself.

Mr. CRANSTON, If I may beg to differ with the Presiding Officer, I think that is incorrect. There is another Cranston amendment.

Mr. SYMMS. I withdraw my objection.

THE PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. There is a Cranston-Murkowski amendment pending which has not been called up. What I have now sent to the desk is a different amendment I am offering on behalf of the Senator from Massachusetts who had intended to offer it with me but is unavoidably absent today. Since he is not here today I am proposing this amendment on his behalf and for myself and Senators ADAMS, BURDICK, CONRAD, DODD, GORE, HATCH, MOYNIHAN, RIEGLE, SANFORD, SIMON, WILSON, WIRTH, and KERRY.

The PRESIDING OFFICER. Without objection, the Metzenbaum amendment is set aside at this point in time.

The Senator from California is recognized.

AMENDMENT NO. 1235

(Purpose: To add $27,000,000 for grants to States for AIDS prevention and reduce outlays commensurately for certain government travel expenses)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] (for Mr. KENNEDY), for himself, Mr. CRANSTON, Mr. ADAMS, Mr. BURDICK, Mr. CONRAD, Mr. DODD, Mr. GORE, Mr. HATCH, Mr. MOYNIHAN, Mr. RIEGLE, Mr. SANFORD, Mr. SIMON, Mr. WILSON, Mr. WIRTH, and Mr. KERRY proposes an amendment numbered 235.

Mr. CRANSTON. I ask unanimous consent that the reading of the amendment be disposed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control for "Disease control, research, and training, $27,000,000.

(b)(1) In the cases of all appropriations accounts from which expenses for travel, transportation, and subsistence (including per diem allowances) are paid under chapter 57 of title 5, United States Code, there are hereby prohibited to be obligated under such accounts in fiscal year 1987 a uniform percentage of such amounts, as determined by the President in accordance with the provisions of paragraph (2), as, but for this subsection, would—

(A) be available for obligation in such accounts as fo June 1, 1987.

(B) be planned to be obligated for such expenses after such date during fiscal year 1987, and

(C) result in total outlays of $18 million in fiscal year 1987.

(2) Before making determinations under paragraph (1), the President shall obtain from the Director of the Office of Management and Budget and the Comptroller General of the United States recommendations for determinations with respect to (A) the identification of the accounts affected, (B) the amount in each such account available as of such date for obligation, (C) the amounts planned to be obligated for such expenses after such date in fiscal year 1987, and (D) the uniform percentage by which such amounts need to be reduced in order to comply with paragraph (1).

(c) Within 30 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report specifying the determinations of the President under subsection (b).

(d) Sections 1341(a) and 1517 of title 31, United States Code, apply to each account for which a determination is made by the President under subsection (b).

Mr. BYRD. Will the distinguished majority whip yield?

Mr. CRANSTON. I yield.

Mr. BYRD. Would it be possible to get a time agreement on the amendment?

Mr. CRANSTON. I am glad to agree to one-half hour, equally divided.

Mr. JOHNSTON. Mr. President, reserving the right to object, as I understand, Senator CHILES has no objection to this matter because it is deficit neutral. I do not know whether there is opposition on the other side of the aisle. If not, we could perhaps accept this because it is deficit neutral for research on AIDS, and I do not know whether that garners any opposition or not.

The PRESIDING OFFICER. Is there objection?

Mr. HATIFIELD. Mr. President, reserving the right to object, as long as there are no amendments to this amendment, we would not object to a time agreement.

Mr. JOHNSTON. Mr. President, further reserving the right to object, what I am stating is if there is no opposition, we can accept this without even the 30-minute debate. Is there objection?

Mr. CRANSTON. That would be fine.

Mr. GRAMM. Mr. President, reserving the right to object, do we have a Congressional Budget Office scoring on this amendment?

Mr. CRANSTON. Yes, we do, and it is budget neutral. I am prepared to speak only very briefly if the managers are prepared to accept the amendment.

Mr. NICKLES. Mr. President, reserving the right to object, can the Senator tell us what is in the amendment?

The PRESIDING OFFICER. There is no request pending.

At the present time, the amendment has been read. There is no formal request for time. The Senator from California has the floor. There has been no time request and the Senator from California has been responding to inquiries from others. The Senator from California.

Mr. CRANSTON. If I may respond to the Senator from Oklahoma just in a couple of sentences, this amendment is budget neutral. First of all its purpose is the following: It would add $27 million for AIDS prevention, counseling, and education activities and reduce outlays for Government-wide travel by the $18 million in outlays needed to offset the AIDS add on.

Mr. President, the amendment I am offering is one which the Senator from Massachusetts [Mr. KENNEDY] had originally intended to offer. This amendment is budget neutral. It would add $27 million for AIDS prevention, counseling, and education activities and reduce outlays for Government-wide travel by the $18 million in outlays needed to offset the AIDS add-on.

Mr. President, last Thursday, we spent quite a few hours discussing AIDS. At issue was an amendment by the Senator from North Carolina [Mr. HELMS] to require mandatory testing of marriage license applicants. It was a good debate, and the Senate voted overwhelmingly against the amendment, 63 to 32. In so doing, the Senate went on record in support of the Public Health experts who, while strongly advocating voluntary testing in coordination with extensive pre- and posttest counseling, object to mandating testing for those individuals.

Mr. President, during that debate the Senator from Massaschusetts [Mr. KENNEDY] and others made the point that before considering mandatory testing programs, we should first ensure that all individuals who want to know their antibody status can do so in a confidential and anonymous setting with counseling.

I want to emphasize that counseling and confidentiality are essential components of any voluntary testing program. Whether an individual is antibody positive or negative, he or she must understand the implications of the test result and be given all the up-to-date information about how the AIDS virus is transmitted and how to prevent transmission. Moreover, the results of those tests must be kept confidential in order to prevent any misuse or discrimination resulting from the tests.

Although voluntary test sites exist, they cannot presently accommodate all persons seeking the test and the demands are growing. Waiting lists are weeks and months long in cities with the greatest number of AIDS cases. In Los Angeles, for instance, the waiting period is 7 weeks. In San Francisco, it's a month.

This amendment would help States expand those programs. Currently, only $25 million in Federal funds are being expended to help States conduct testing, counseling, and education programs. Much much more is needed. Our amendment would provide for a doubling of those efforts and enable hundreds of thousands of individuals to have access to voluntary, confidential testing and counseling about AIDS.

Our amendment would also provide funding for education programs specifically targeted for minority communities. Until a vaccine is developed, programs that educate individuals about how the virus is transmitted and that actually produce behavioral changes necessary to prevent transmission are and will remain the only realistic hope for stopping the further spread of the disease. If ever there was a case of an ounce of prevention being worth a pound of cure, this is it.

Minorities represent disproportionate numbers of AIDS cases, and because of special cultural and language needs, minority organizations must be very much involved in developing education and outreach programs. Black and Hispanic Americans now account for 38 percent of all AIDS cases in this Nation. Among pediatric cases, 80 percent are black and Hispanic. This amendment would provide $7 million that is greatly needed to assist in targeted education programs.

Mr. President, the National Academy of Sciences in its 1986 report entitled, "Confronting AIDS," recommended a coordinated national prevention and education effort. The NAS suggested that $1 billion would be needed for that effort by 1991. Today we are spending a total of about $82 million. This amendment would enhance those efforts and help lay the groundwork for the enormous task ahead of us. What we don't spend today for education and prevention will cost us tomorrow in lost lives.

Mr. President, this modest $27 million addition in budget authority would be offset by a reduction in the travel account for governmental personnel. The executive branch currently spends about $6 billion a year on travel for civilian and military employees. A reduction of $18 million in outlays during the last quarter of the fiscal year would be about only 1 percent of the travel budget during that period of time. Agenies should be able to absorb the reduction through cost-saving practices.

Mr. President, this $27 million could significantly improve our AIDS prevention efforts. Time is of the essence. We can't wait until the next fiscal year. It's imperative that we act now while we have the opportunity.

In closing, I would like to thank the Senator from Massachusetts [Mr. KENNEDY] for his efforts in putting this amendment together. He is very committed to allocating all necessary resources to combating AIDS and I know he felt very strongly about this amendment. I would also like to thank his staff for their assistance today.

I urge all my colleagues to support this amendment.

Mr. MOYNIHAN. Mr. President, I rise today to join Senator CRANSTON in offering an amendment to allocate $27 million to the Centers for Disease Control to distribute to States for AIDS prevention; $20 million of which will go toward blood tests for AIDS antibodies and $7 million will go to AIDS prevention in minority communities.

I am particularly pleased to join in offering this amendment because the funds we provide would help to carry out the goals of a comprehensive bill on AIDS—S. 24—that I introduced on the first day of the 100th Congress. S. 24 authorizes $20 million for anonymous testing sites where individuals could go to be tested anonymously for the presence of AIDS antibodies. Currently, there are insufficient funds for testing sites as a means of AIDS prevention. Waiting lists to get tested for AIDS antibodies are as long as 12 weeks in New York City. We have an urgent need for these funds—a need which must be met.

The costs for the 15,400 diagnosed AIDS patients in 1985 is estimated to be $1.2 billion—includes value of lost productivity. By 1991, the costs of AIDS is expected to rise to $16 billion per year. By spending $20 million now, as I have proposed to do in my bill and is being done today, we take positive action toward reducing the spread of the disease. It is my hope that by taking such action now, we may reduce the toll of AIDS on our Nation, not only in dollars, but in human life.

Mr. HATFIELD. Mr. President, the amendment offered by the Senator from California has been cleared by the subcommittee.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Oregon?

Mr. CRANSTON. Yes.

Mr. HATFIELD. The Subcommittee on Appropriations from the minority side has cleared the amendment and it would be acceptable.

Mr. JOHNSTON. Mr. President, we will accept the amendment.

Mr. CRANSTON. I thank the managers.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 235) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

Mr. CRANSTON. I thank both Senators managing the bill very, very much.

The PRESIDING OFFICER. The question once again occurs on the Metzenbaum amendment.

Mr. JOHNSTON. Mr. President, I move to lay the Metzenbaum amendment aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? If not, without objection, it is so ordered.

AMENDMENT NO. 236

(Purpose: To strike out provisions of the bill other than supplemental appropriations for the Commodity Credit Corporation)

Mr. SYMMS. Mr. President, on behalf of myself, Mr. MATSUNAGA, Mrs. KASSEBAUM, Mr. GRAMM, and Mr. QUAYLE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself, Mr. MATSUNAGA, Mrs. KASSEBAUM, Mr. GRAMM, and Mr. QUAYLE, proposes an amendment numbered 236.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Beginning on page 2, strike out line 1 and all that follows through page 168, line 12, and insert in lieu thereof the following:

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

(Transfer of funds)

To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $6,563,189,000, such funds to be available, together with other resources available to the Corporation, to finance the Corporation's programs and activities during fiscal year 1987: *Provided*, That of the foregoing amount not to exceed the following amounts shall be available for the following programs: export guaranteed loan claims, $300,000,000; conservation reserve program, $400,000,000; and interest payments to the United States Treasury, $400,000,000: *Provided further*, That five percent of the funds available for the conservation reserve program in this Act shall be transferred to the conservation operations account of the Soil Conservation Service for services of its technicians in carrying out the conservation programs of the Food Security Act of 1985.

Mr. SYMMS. Mr. President, the Senator from Iowa and the Senator from Oklahoma have asked me to temporarily set my amendment aside so they could offer an amendment that has been accepted by the committee. I wonder if that would be all right with the floor managers.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, do you object?

Mr. HARKIN. Reserving the right to object. I want to make it clear to the Senator from Idaho that, upon the disposition of our amendment, which we can agree to, that we would return immediately to the amendment of the Senator from Idaho.

The PRESIDING OFFICER. That would be the order of business.

The pending business then, under the prior order, is an amendment that is about to be offered by the Senator from Iowa. So the Senator from Iowa is recognized for that purpose by the order of the Chair, the Senator from Idaho having set his amendment aside.

The Senator from Iowa.

AMENDMENT NO. 237

(Purpose: To modify the approval procedures required for the funding of the Public Law School in the District of Columbia)

Mr. HARKIN. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 237.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . The matter under the heading "Public Education System" in title I of the District of Columbia Appropriations Act, 1987 (Public Law 99-591; 100 Stat. 3341-184) is amended by striking out "*Provided further*, That of the amount made available to the University of the District of Columbia, $1,146,000 shall be used solely for the operation of the Antioch School of Law: *Provided further*, That acquisition or merger of the Antioch School of Law shall have been previously approved by both the Board of Trustees of the University of the District of Columbia and the Council of the District of Columbia, and that the Council shall have issued its approval by resolution: *Provided further*, That if the Council of the District of Columbia or the Board of Trustees of the University of the District of Columbia fails to approve the acquisition or merger of the Antioch School of Law, the $1,146,000 shall be used solely for the repayment of the general fund deficit," and inserting in lieu thereof "*Provided further*, That $1,146,000 shall be used solely for the operation of the District of Columbia School of Law and which shall remain available until expended: *Provided further*, That acquisition or merger of the Antioch School of Law shall have been previously approved by the Council of the District of Columbia: *Provided further*, That the interim Board of Governors of the District of Columbia School of Law shall report, by October 1, 1987 to the Mayor of the District of Columbia, the Council of the District of Columbia, and the Appropriations Committee of the Senate and House of Representatives on the anticipated operating and capital expenses of the District of Columbia School of Law as created by D.C. Law 61-177, for the next five years: *Provided further*, That the aforementioned report shall also include a statement from the American Bar Association on the current status of an accreditation proposal for the District of Columbia School of Law, as created by D.C. Law 61-177, as amended: *Provided further*, That if the Council of the District of Columbia fails to approve the acquisition or merger of the Antioch School of Law, the $1,146,000 shall be used solely for the repayment of the general fund deficit.".

Mr. HARKIN. Mr. President, first I want to thank my friend from Idaho for giving us this opportunity to dispose very quickly of an amendment that has been agreed upon by both sides. The amendment affects only the District of Columbia funds. It has no impact on Federal outlays or the deficit. It has to do only with an internal District of Columbia matter.

I want to thank my colleague from Oklahoma, the ranking member on the District of Columbia Appropriations Subcommittee, for his support and his work in getting this amendment clarified so that we could bring it up at this time.

Mr. President, as I said, there is no impact on Federal outlays or the deficit. I have no other remarks at this time.

I yield to my friend from Oklahoma.

Mr. NICKLES. Mr. President, I would just like to clarify one thing with the Senator, but I also join him in thanking our good friend, the Senator from Idaho, for his allowing us to proceed with this amendment.

If the Senator would yield just for a brief question. In the amendment, we provide language that requests a study by the interim board of governors of the District of Columbia School of Law so that they report by October 1 to the Appropriations Committee of the House and the Senate concerning the anticipated operating and capital expenses of the District of Columbia Law School.

Would you agree with this Senator that it would be helpful to us, in considering marking up for next year's appropriations bill, to have that report submitted early so we would have some idea concerning those expenses and also an idea from the ABA whether or not the school will be accredited or not.

Mr. HARKIN. Mr. President, I respond to my colleague from Oklahoma that I concur with the Senator from Oklahoma that we ought to get a report on the current status of their plans prior to our mark up of the fiscal year 1988 District of Columbia appropriations.

Mr. NICKLES. I thank the Senator. I also thank him for his leadership.

I have no objection whatsoever to the amendment.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. HATFIELD. Will the Senator's amendment increase the number of lawyers in this country, or have that potential?

Mr. HARKIN. If the distinguished Senator would yield, I would say maybe yes, maybe no. Again, we are not providing for a law school. All we are providing is that, if the District of Columbia decides that they do want to take over the old Antioch school and make their own law school, they can do so with their own money. This is sort of an enabling amendment. They may not decide to do so. We are not saying you have to build a law school or you do not have to. It is leaving it up to them in their home rule authority to see whether they want it or not.

Mr. HATFIELD. But it is possible that it could have a potential of again adding to the population of lawyers in this country?

Mr. HARKIN. I would respond that that might be a possibility. But, then, again, I do not know whether the District of Columbia is going to decide to do so. Certainly they may not be able to afford to build it.

Mr. HATFIELD. Does that not concern the Senator about the possibility of such an increase in that we now have an overpopulation of lawyers?

Mr. HARKIN. I would be concerned, if, in fact, this Senate were to go on record as proposing that we increase the number of lawyers in the country or that somehow we are promoting the building of another law school. That is not what we are on the record as doing. We are simply enabling the District of Columbia to make their own decision.

Mr. HATFIELD. Mr. President, our subcommittee ranking member has cleared this amendment. I would just say, as ranking member of the full committee, that I am not in favor of controlling the population in general. But I do feel that there are segments, even in the population, that we ought to seek to control a little more than this amendment would provide.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 237) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 236

Mr. SYMMS. Mr. President, it is my understanding that the Symms amendment is now pending.

The PRESIDING OFFICER. The Senator is correct. The Senator has the floor. The Symms amendment is pending.

Mr. SYMMS. I thank the distinguished Presiding Officer. I must say to my colleagues that the purpose of this amendment is not in any way to impugn the fine work that the distinguished Senators from Oregon and Louisiana have done to engineer passage of this bill. It is very apparent to this Senator, however, that this debate could go on for quite some time and there is one emergency section of this bill that truly must be passed soon.

About this time every year for the last several years, just as temperatures in Idaho warm up and the State's brief growing season moves into full swing, carefully timed farming schedules are abruptly interrupted. Not because of annual weather disturbances or natural disasters, but because Congress, and more specifically the Senate, has failed to pass a routine supplemental appropriation for the Commodity Credit Corporation [CCC].

That is exactly the situation we are in right now. The CCC is most known for being the fund through which farm program payments are made. For example, rental payments under the Conservation Reserve Program have not been made since May 1. CCC also reimburses elevators, shippers, packagers, and all those who handle the huge stocks of foodstuffs owned by the Federal Government. These people have worked long and hard. They have invested a lot of capital in these warehouses and trucks. Now they are not being compensated. Business plans are in chaos, not only on the farm, but in the agriculture support industries—transportation, grain elevators, shipping, packaging, and so forth.

For many, this delay in payments is more than a mere inconvenience. Let me just give you a specific example. In Oneida County, ID, where nearly 35 percent of the county is rented to the conservation reserve, many farm families are now at a loss for even their weekly food allowance. Several Idaho farmers have lost opportunities to obtain low interest financing because the delay has left payments delinquent. And a number of grain elevators which store CCC grain can no longer cash flow because their biggest customer refuses to pay.

Mr. President, time and time again farmers tell me that the unreliable nature of Federal farm program is far more detrimental than having no farm program at all. If we disagree with the way the CCC uses program funds, then we should address that in authorizing legislation. Otherwise, we should not be continually disrupting the workings of rural America.

Delaying the CCC supplemental is apparently a Senate ritual. It almost seems as if we need to annually flaunt our fiscal irresponsibility before rural America, just to prove our lack of concern for their livelihoods.

I know that is not the view of the Senate, but it is the appearance.

We have dickered here over details of a conglomerate appropriations bill for more than 2 weeks now, and it appears to me that we can continue to argue on this for another 2 weeks. Since it conforms with budget assumptions, passage of a CCC supplemental should be more procedural than that. Our differences on other aspects of the supplemental can be debated at our own leisure, and need not be at farmers' expense.

That is why, Mr. President, I have proposed an amendment which will separate out CCC funds and appropriate them without further delay.

A vote for the Symms amendment would be a vote to strip everything off the bill except the CCC funds and then the bill could go to final passage. We could then take all the rest of the bill and put it on another vehicle. The remaining appropriations can be debated on their own merits. Let me assure my colleagues that I, for one, have worked hard on many of those other measures myself and find a great deal of merit in them. I know my senior colleague from Idaho worked hard to get this bill here. But it appears to me that we will be arguing on this for a long time. This bill is over budget. If that is the fact, we may have a veto. It could be July before this is passed. In the meantime, farm families, grain elevators, and others are being held hostage to a system that just does not call for fast action.

There are many parts of this supplemental bill that simply must pass. That is why my colleagues need not worry about missing an opportunity or passing up a legislative vehicle. Another supplemental will be necessary. In fact, I suggest to the managers that they look to the bill currently before us, as amended, for a starting point.

The responsible thing to do would be to appropriate CCC funds now and then take the less pressing and some of the more controversial appropriations and roll them into another bill and go to work on that. We can start on that as early as this afternoon. There is surely a vehicle, some House-passed bill that could be used. Legislative packages are common in this body, and I understand the need for making use of such vehicles. That, however, does not mean we should hold a vital and noncontroversial bill hostage to this body's acceptance of other measures with serious budgetary and policy impacts.

In addition to this, Mr. President, this amendment could save a lot of real money. We could spend the money in the emergency part of this bill, which is about $6.5 billion for the CCC funds, and we would be saving almost $3 billion. I agree, it will not be saved forever, because, as I said, there are a lot of worthy programs funded in this supplemental. I know that many of these appropriations could eventually be enacted into law. I just believe my amendment would be a fast, clean, quick way to get out of the mess that we are in, get the ox out of the ditch, so to speak. As I said to my colleague from Louisiana and my colleague from Oregon, I know they have worked hard and I praise them for their efforts to enact this bill, but deliberations on this legislation will take some time. I would hope that the committee would accept this amendment and we could move on.

Mr. JOHNSTON. Mr. President, I appreciate the concern of the distinguished Senator from Idaho for these deficits because he stands second to very few, if any, in this Chamber in his desire to keep the deficit down. But, Mr. President, I hope the Senator from Idaho will listen carefully to what I have to say because I am sure that he cannot intend what this amendment will do.

First of all, I will tell him that this bill in its present form has been approved and requested by the President. That commitment was made, that entreaty, indeed, was made, in the Senate Appropriations Committee when I asked the questions publicly during the markup of that bill: Does the President want this bill in the form in which it is presented? Will he sign the bill?

After a period of time during that debate, the answer came back from the White House, "Yes," with all of the items that came out of the Senate appropriations bill.

So while you might micromanage a little amendment here or a little amendment there and find some fault with it, the fact of the matter is that the President of the United States had requested this supplemental and would approve it in the form in which it stands today. This is a fact.

Second, and this is where I say the Senator from Idaho could not have intended what his amendment does, I think he must be misinformed.

Does the Senator from Idaho know, for example, that there is in this bill an amount requested by the President of the United States for what we call CHAMPUS costs? CHAMPUS costs, of course, are the medical benefits for military people who seek treatment from the civilian people.

The CHAMPUS dollars in this bill are $425 million.

The Senator, I am sure, realizes that is vital and must be paid.

Mr. SYMMS. If the Senator will yield, yes, I am aware of that, and, in fact, I favor that part of the bill. I favor many of the things the committee has put into the bill. But it appears to me that we are going to be here on this bill for quite some lengthy period, and what I am suggesting is that we pass the CCC this afternoon and get it on the way, and then take the CHAMPUS part and all the rest of it, put it in a separate bill and continue work on it.

Mr. JOHNSTON. Is the Senator suggesting that military people will simply postpone their illnesses until the next fiscal year?

Mr. SYMMS. If the Senator wants to do so, he can amend my amendment to add CHAMPUS into my amendment.

Mr. JOHNSTON. The Senator then does concede that CHAMPUS is an entitlement and must be paid in either one of two ways: Either that the doctor gives his treatment on credit and does not get paid until the Senate gets around to figuring out what an appropriate time might be, or the patients do not get treated, one of the two. Either one of those is not a desired result. Would the Senator agree with that?

Mr. SYMMS. I hear the Senator loud and clear. I agree with what the Senator is saying. The CHAMPUS portion could be a good starting point for a second bill. But meanwhile, we would have a clean, simple CCC amendment that can go on down to the White House, be signed and be disbursed with hold up.

Mr. JOHNSTON. Does Senator understand that the President has requested an additional $80 million for the Internal Revenue Service personnel which he considers to be urgent, and based upon the payment of which, the employment of such personnel, the President of the United States and our committees say that that would generate many times as much money as the $80 million for pay in this bill? Does the Senator agree with that? Does he think that is appropriate?

Mr. SYMMS. I say to my good friend from Louisiana, Mr. President, that this Senator is aware such is in the bill, but I have much less enthusiasm for hiring more revenue agents than I do for paying the CHAMPUS entitlement.

I would also like to say, Mr. President, that the Symms amendment is subject to amendment itself. If the Senator wishes to add IRS funding back into my amendment he may do so.

Mr. JOHNSTON. Mr. President, I have a long history of urgent items and with respect to each one I can illustrate, I think overwhelmingly, that we just cannot wait.

For example, there is $1.5 billion for retirement and pay costs. What happens if the retirement and pay costs are not funded in this bill?

Well, we asked that very question of the Office of Management and Budget. We asked them to analyze what would happen.

Let me give you a few of the things. I have a report which I will put into the RECORD, a nine-page single-spaced report.

They say, for example, the Counsel of Economic Advisers, 95 furloughs will result; Office of U.S. Trade Representative, furloughs of career staff and contract experts in the fourth quarter will result. You go on to Veterans' Administration: diminished service to veterans.

You go to Employment Standards Administration: 392 employees furloughed.

You go to OSHA, 2,156 employees furloughed.

I hope the Senator from Idaho is listening.

Departmental Management, furloughed 1,909 employees.

Department of Justice, 30,000 furloughed.

You can go right on down the list, Mr. President.

The State Department is 16,734. FERS. That is on the Federal Employment Retirement System.

And it is so on down the list. In other words, if you do not fund $1.5 billion urgently requested by the President as an entitlement, then they pay the money until the money runs out and when the money runs out the water is cut off and people are furloughed.

Mr. President, I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Question. Which programs will suffer severe programmatic effects if no supplemental funding is provided for pay and FERS costs and when?

Answer. The information provided below results from an informal canvassing of Executive branch agencies and does not necessarily represent OMB determinations. The various ramifications the agencies have identified, resulting from no pay and FERS supplemental funding are not always date specific. For example, furloughs will not begin on a given date but rather will last for a certain number of days. These actions would be initiated as soon as there is certainty about the lack of supplemental funding.

[Budget authority, in thousands of dollars]

Agency/account	Pay	FERS	Program effect
EXOP:			
White House Office	172	374	No supply and maintenance funding.
Council of Economic Advisers	16	95	Furloughs will result.
Office of U.S. Trade Representatives	77	168	Furloughs of career staff and contract experts in 4th quarter. Restrictions on travel and telecommunications support.
All other EXOP accounts	478	998	Although no furloughs are expected, all replacement hiring will cease, as will training, travel, and other personnel-related activities.
Funds appropriated to President, Agency for International Development	2,278	5,706	Only critical hiring to fill vacancies will occur.
Department of Defense:			
Operations and maintenance, all accounts	11,770	523,019	
Research development, test and evaluation, all accounts	790	35,206	
Military construction, all accounts	133	5,925	
Family housing, Army	10	435	
Total defense	12,703	532,899	Hiring will be frozen and operations curtailed. If these actions do not realize adequate savings, furloughs may result.
Veterans' Administration:			
General operating expenses	0	9,242	
Medical administration and miscellaneous operating expenses	736	345	
Medical care	74,695	131,600	
Medical and prosthetic research	1,859	1,024	
Total	77,290	142,211	A partial hiring freeze in non-medical areas, resulting in diminished service to veterans. Also, it will not be possible to achieve congressionally specified employment levels for medical care, restraints on personnel-related activities, e.g., travel and training, will be necessary.
Department of Labor—In addition to actions noted below, all Department of Labor agencies will reduce supply and equipment purchase, curtail or cancel procurements, and take other actions to conserve resources:			
Employment Standards Administration, black lung disability trust fund	708	494	Furlough 392 employees for 3 days.
Occupational Safety and Health Administration, salaries and expenses	(1)	(1)	Furlough 2,156 employees for 3 days.
Departmental Management:			
Salaries and expenses	(1)	(1)	Furlough 1,909 employees for 4 days.
Inspector General	(1)	(1)	
Department of Justice: General Administration, salaries and expenses	575	778	
U.S. Parole Commission, salaries and expenses	84	155	
Legal activities:			
S&E, Foreign Claims Settlement Commission	3	4	
S&E, general legal activities	1,961	2,643	
S&E, U.S. attorneys	2,818	3,510	
S&E, U.S. Marshalls Service	2,234	3,211	
S&E, community relations service	64	85	
U.S. trustees system fund	93	150	
Federal Bureau of Investigation, S&E	9,309	23,005	
DEA, S&E	2,593	7,324	
INS, S&E	5,588	10,186	
Federal prison system, all accounts	3,982	17,390	
Office of Justice programs, justice assistance	172	210	
Total	29,476	68,651	Could require 7 to 12 days furlough for approximately half of DOJ's 60,000 employees. In addition, the Bureau of Prisons would possibly have to release hundreds of inmates. Critical department purchases of helicopters and automobiles would be delayed. Training and hiring in INS, DEA, and the U.S. Marshals Service would be deferred. Would not implement Trustee Expansion and Debt Recovery Act and would reduce certain activities required by Immigration Reform and Control Act.
DOD–Civil Cemeteral expenses, Army	0	74	Reduce summer hires and temporary help by 10 and reduce maintenance operations at busiest time of year.
Other Independent Agencies:			
American Battle Monuments Commission, salaries and expenses	265	0	Elimination of maintenance activities. No savings can be realized by furloughs or RIFS due to treaty obligations.
National Commission on Libraries and Information Science	6	17	No further staffing and furlough all employees for 6 to 10 days.
National Labor Relations Board	628	1,659	Furlough of all employees for 5 to 6 days. Also, freeze all hiring, limit travel, freeze equipment purchases, etc.
Federal Mediation and Conciliation Service	181	188	Field travel cut by 20 percent. All training, hiring, and station transfers eliminated for rest of year.
Equal Employment Opportunity Commission	2,640	1,889	Suspension of agency operation possible for 1 to 2 weeks.
Federal Maritime Commission	200	147	Require an 11 day furlough and create back log in tariff filings, enforcement activities, and processing of pending litigation.
Federal Communications Commission	700	1,200	Immediate hiring freeze. All active recruitment stopped. Furlough would be needed if other reductions in agency operations are not enough to realize savings. All rulemaking and enforcement actions would need to be curtailed. Development of uniform system of accounts put on hold. All technical and computer equipment purchases halted.
Securities and Exchange Commission	1,837	2,163	A furlough of approximately 20 days for the entire agency would be necessary.
Export-Import Bank	157	227	All personnel furloughed for one day each pay period until savings needed are realized.
U.S. Information Agency	2,691	5,959	May have to furlough beginning in June. A complete hiring freeze would be implemented. Funding for basic programs would be reduced.
Department of Commerce: All accounts	(1)	15,130 [1]	Possible selected 4 to 6 day furloughs in Census, NBS, and NOAA. Deferrals of expenditures for weather services procurements, hiring of temporary staff for periodic censuses, and ITA staff increases in 1988. Freeze on new hires and travel and reduction in NOAA ship days-at-sea.
Department of Transportation: All accounts	(1)	(1)	In eight accounts where there is a mix of contracts and operating costs, administrators would have to impose hiring freezes, training reductions and furloughs (perhaps one day per pay period in the fourth quarter). In four accounts, such as Railroad Safety, where personnel costs represent virtually all controllable costs, a hiring freeze plus furloughs, up to two days per pay period in the last quarter, might be the only available option. In FA, furloughs for the non-exempt group (60 percent of operations workforce is exempt) could reach one week out of every two throughout the last quarter.
State Department: Administration of Foreign Affairs	6,900	16,734	State Department would be forced to defer purchases of furniture and equipment, scale back or defer necessary enhancements to information and communications systems, reduce travel, and eliminate or defer low priority programs within the diplomatic security program.
Department of Treasury:			
Internal Revenue Service	0	120,000	Assuming the $80 million program supplemental is approved, IRS would release all 18,500 temporary employees early (4,625 FTE) and would not hire 2,045 FTE for planned revenue initiatives. Without the program supplemental, IRS would also have to furlough all 75,000 permanent employees for 10 workdays. Agency operations would be slowed down and revenue initiatives frozen. Tax collections would be adversely affected. Assuming the program supplemental is approved, the revenue loss would be $1.4 billion. Without the tax reform supplemental, the revenue loss would be $2.4 billion.
Departmental offices	1,353	863	This could result in personnel cuts of 6 percent. In addition to the personnel reduction noted above, an additional personnel cut of 4 percent would be tied to absorption of FERS this fiscal year. It would be much more difficult to fully fund the Office of Depreciation Analysis, mandated by the Tax Reform Act of 1986.

[Budget authority, in thousands of dollars]

Agency/account	Pay	FERS	Program effect
Financial Management Service	1,436	1,164	$7.4 million of checks scheduled for September mailing, primarily to Social Security and Veterans beneficiaries, would not be mailed until October 1. $1.2 million for central data base modernization, pursuant to OMB directed assignments under A–127 and Reform '88, would have to be postponed until FY 1988, with corresponding delays in FY 1988 work.
NASA	(1)	(1)	A hiring freeze would not provide enough saving to cover cost. Agency would need to furlough all employees for 10–12 days. Also, substantial cut backs on other expenditures would occur for remained official year.

[1] Transfer.

Note.—At the time this paper was prepared, it was understood that other agencies were providing information related to the effects of no pay or FERS supplemental funding. This information unfortunately was not received in time to be included.

Mr. JOHNSTON. Mr. President, that is not the only category. You can go right down the list. we have an Appropriations Committee that met on this bill over a long period of time. Individual Senators may disagree with individual amendments. But to come in with a meat ax and say, "It does not matter with CHAMPUS, it does not matter about furloughs; let us just fund CCC," Mr. President, with all due respect for my esteemed colleague, does not make the highest sense that the Senate of the United States ought to make.

So, Mr. President, if we start doing that, then I think we are going to get into a lot of other items such as the Nunn-Levin ABM amendment which I am prepared to introduce as a second-degree amendment at this point.

I wonder whether I ought to introduce that amendment before we move to table or just go ahead and move to table at this point.

Mr. GRAMM and Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. JOHNSTON. I yield to my distinguished colleague from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, this is a very difficult question that the comanager of the bill puts to me at this time for the simple reason that if we get into other matters totally extraneous to an appropriations matter such as arms control, even though I might find in my own mind support for the Nunn-Levin proposal, I would think that would indeed be a crippling amendment to the entire appropriations bill if it should pass.

It certainly would not get through the Senate even here, let alone the White House if it ever got that far down the road. I do not think the Symms amendment is supportable not only in light of the evidence that the Senator from Louisiana has provided for the body just now. There are a lot of other reasons that I would not support the Symms amendment. I only say that I wish and hope that the Senator from Louisiana would withhold compounding the difficulty at this time, which it would be doing for the appropriations process.

I would have to say to the Senator I would move to table the underlying amendment should he see fit to offer his amendment in the second degree in order to bring both of them down. Even though I might agree with the Senator's proposal embodied in his second-degree amendment and not support the proposal of the Senator from Idaho, I would be forced to do so, because there is $137 million in this bill for the homeless, as well as for other agencies of the Government that I am deeply concerned about. I would have to choose between what would be reality and what may be illusion at this point. It is illusion to think we are going to do an arms control measure on this bill, I would suggest that he table the Symms amendment and let it go at that without compounding the difficulty at this time.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana still has the floor, I say to the Senator from Texas.

Mr. JOHNSTON. Mr. President, I was just handed a note to the effect that CHAMPUS runs out of funds in the first week of July. It would be quite a Fourth of July present to the tens of thousands of military personnel across this country who are dependent on the CHAMPUS Program for their health care to have that program run out, as it would under the Symms amendment.

Mr. SYMMS. Would the Senator yield for a question?

Mr. JOHNSTON. I shall yield for a question, yes.

Mr. SYMMS. Mr. President, the distinguished Senator from Louisiana is making my argument. CHAMPUS does not run out until July 4. CCC is out now. They are not paying their bills. CHAMPUS is a part of the bill that I would support. Let us get this out this afternoon and get it done. He has some issues I agree with.

Mr. JOHNSTON. The problem is, Mr. President, that an appropriations bill, of course, must originate in the House of Representatives. I am not sure that if the Senate visits this kind of mischief on the House, they would be that quick to put in another whole new appropriations bill and that it would wind its way through this long process in time for July.

This bill is here. It has CHAMPUS funds. It has been requested by the President of the United States, it is approved by the House of Representatives, approved by the Senate Appropriations Committee, and it is approved by virtually everyone that I know anything about. It is an entitlement, as are other items, the pay and retirement costs under this bill.

So, Mr. President, I must say I am persuaded by the distinguished Senator from Oregon that this bill is in fact insupportable. So I move to table the Symms amendment.

Mr. GRAMM. Mr. President, I ask the Senator to withhold so I may be heard.

The PRESIDING OFFICER. There has been a request by the Senator from Texas. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, how much time would the Senator like?

Mr. GRAMM. I would just like to speak on it. No one else has set a time limit on their speech. I would just like to speak as the spirit moves me.

Mr. JOHNSTON. Mr. President, I would not like to dispirit the Senator from Texas, so I shall withhold, I would not like the debate to go on all afternoon, but I would not put any limits on him. I would like to get the bill financed so the Senator could go deep in the heart of Texas by this weekend with this bill finished. Therefore I withhold my motion.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I would like to begin by responding as to whether the amendment of the Senator from Idaho makes sense. I think if it has a problem, it is that it makes too much sense to be given serious consideration by this body. There is a fundamental difference between CCC and all these other great and worthy programs that are being discussed. The difference is that CCC is, in fact, deficit-neutral because the way we keep the books of the country, we have already charged ourselves for the outlays. As we all know, this is a technical application of simply providing budget authority. So the big difference between CCC as it exists in this bill and all of these other programs is that CCC is deficit-neutral. It is not subject to a point of order. It does not raise the measured deficit. That is the fundamental difference.

The problem with these other programs is not that they are unworthy. This body and this Congress have

seldom seen a program unworthy to spend the taxpayers' money on. I marveled a moment ago as one of our colleagues passed around a bill to fund some program. He said, "This is an opportunity to put your money where your mouth is." It was not his money. If he had been putting up his money, if he would have passed the hat in the Senate, I would have supported him. The problem is he is putting up somebody else's money, that of the working men and women of America.

The point about Senator SYMMS' amendment is that it is deficit-neutral. There is no point of order to be made on this amendment. That is not true of all the other worthy programs being discussed.

Second, from the beginning of the debate, we have heard Member after Member get up and say, do you know we are out of money in CCC? In fact, my part of the country, being in the South, is moving next week toward a crop cycle. We are going to have to begin planting our crops and we cannot plant our crops without knowing the availability of CCC. So it may be that CHAMPUS is going to be out of money on July 1 or July 4 but we are facing a binding constraint on CCC right now. The Symms amendment does not say forget everything else. It does not say do not come back in 20 minutes and pass a supplemental appropriation on all these other worthy programs—weed research center and raising the cap on the honey bee program and landfill and archeological digs. Those programs are so critical that we may come back in 30 minutes and adopt a supplemental on them.

What the Symms amendment says is let us move ahead on a program that there is no controversy about; that every Member of this body for all practical purposes supports; that there is no budget point of order on; and where consistently, people have argued that we need to act because of CCC. What the Senator from Idaho has done that is the inherent brilliance of this amendment is he has given us the ability to move ahead today on today's problem, on a crisis that exists today in a budget-responsible fashion without waiving the Budget Act, without raising the measured deficit; then come back and deal with these other problems that may exist in July but that involve raising the deficit.

I think this is a very reasonable amendment. I hope our colleagues will support it and I think the amendment makes eminently good sense.

We could adopt this amendment, it could go back to the House, they could adopt it, the President could sign it, he could sign it Monday or Tuesday, and the farmers all over the Nation could put their plows to work.

Now, I would like to say one thing about the Presidential commitment on this bill. The President is not committed to signing the bill in its current form. The President's commitment, as I understand it, was a commitment to sign the bill in the form it was reported by committee if there were no arms control amendments added to it and if there were no additional spending programs added.

We have already added additional spending programs, the Heinz amendment being a perfect example. So there is no Presidential commitment to sign this bill as it exists on the floor today.

I would think, given these add-on spendings, the President may well decide to veto the bill. I thought it was important to clarify that.

So I want the RECORD to show that if the Symms amendment is not adopted and if the farmers of this great land of ours cannot plant their crops, if they are delayed, if the weather changes, if people lose their farms, it will not be because of the Senator from Idaho. It will be because others did not want to let this one, truly emergency item in this bill, that is presented today as an emergency, move forward unimpeded within the budget.

So I think this is an important amendment, and all of those who are concerned about the farmer, who are concerned about doing something now, this is their opportunity to put their vote where their mouth is, to repeat a phrase that was used in an earlier debate. So I urge my colleagues to vote for the Symms amendment. And let us not be dissuaded from dealing with what is clearly an appropriations action by the threat of an amendment that would have Congress give to the Russians what they cannot get at the bargaining table in Geneva.

If we are going to let that threat deter us every time we try to spend money, whether we attempt to prevent language allowing the President to spend over budget, or whether it is a legitimate amendment being offered, there are just so many times you can be blackmailed on an issue such as that. I think we should reject it immediately and reject it out of hand. I yield the floor.

Mr. JOHNSTON. Mr. President, I still search in vain for a solution outside of this bill to medical care for our military people, provided for on an emergency basis in this bill, which runs out the first week in July. I still search in vain with the distinguished Senators from Texas and Idaho as to how in the world we avoid tens of thousands of furloughs which OMB said will result unless the provisions contained within this supplemental are enacted.

The fact is there is no answer. Within the Gramm-Rudman-Hollings Act, within the Budget Act, within all of this wonderful rhetoric, there still remains problems which this urgent supplemental solves at the request of the President of the United States, approved by the House, approved by the President after it passed the Appropriations Committee, and I trust and believe it will be also approved by the full Senate.

Therefore, Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs upon the motion to table by the Senator from Louisiana. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent because of questioning witnesses in Iran-Contra hearing.

I further announce that, if present and voting, the Senator from Ohio [Mr. GLENN] would vote "yea".

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER], is absent on official business.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 30, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—61

Adams	Ford	Nunn
Bentsen	Fowler	Packwood
Bingaman	Graham	Pell
Boren	Harkin	Pressler
Bradley	Hatfield	Reid
Breaux	Heflin	Riegle
Bumpers	Heinz	Rockefeller
Burdick	Hollings	Roth
Byrd	Humphrey	Sanford
Chafee	Johnston	Sarbanes
Chiles	Kerry	Sasser
Cochran	Lautenberg	Shelby
Cohen	Leahy	Simon
Conrad	Levin	Specter
Cranston	Lugar	Stafford
D'Amato	McConnell	Stennis
Danforth	Melcher	Stevens
Daschle	Metzenbaum	Weicker
DeConcini	Mikulski	Wilson
Dodd	Mitchell	
Domenici	Moynihan	

NAYS—30

Armstrong	Bond	Dixon
Baucus	Boschwitz	Dole

Durenberger	Karnes	Pryor
Exon	Kassebaum	Quayle
Garn	Kasten	Simpson
Gramm	Matsunaga	Symms
Grassley	McCain	Thurmond
Hatch	McClure	Trible
Hecht	Nickles	Wallop
Helms	Proxmire	Wirth

NOT VOTING—9

Biden	Gore	Murkowski
Evans	Inouye	Rudman
Glenn	Kennedy	Warner

So the motion to lay on the table amendment (No. 236) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion to lay on the table the amendment of the Senator from Idaho was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. DOMENICI. Mr. President, I was going to send an amendment to the desk, but I understand the amendment of the Senator from Ohio recurs automatically.

Mr. METZENBAUM. The Senator from Ohio has an amendment I think we can dispose of promptly.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Ohio [Mr. METZENBAUM].

AMENDMENT NO. 218 AS MODIFIED

(Purpose: To add $500,000 for grants and contracts under section 5 of the Orphan Drug Act and to reduct appropriations for travel expenses of the Department of Health and Human Services)

Mr. METZENBAUM. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. Is there any objection to the modification requested by the Senator from Ohio?

Without objection, the clerk will state the modification.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes a modification to an amendment numbered 218.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

At the end of the bill, add the following new section:

SEC. . (a) Notwithstanding any provision of this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, for an additional amount for "Food and Drug Administration, Salaries and expenses", which shall be available for grants and contracts under section 5 of the Orphan Drug Act, $500,000.

(b)(1) In the cases of all appropriations accounts from which expenses for travel, transportation, and subsistence (including per diem allowances) are paid under chapter 57 of title 5, United States Code, there are hereby prohibited to be obligated under such accounts in fiscal year 1987 a uniform percentage of such amounts, as determined by the President in accordance with the provisions of paragraph (2), as, but for this subsection, would—

(A) be available for obligation in such accounts as of June 1, 1987,

(B) be planned to be obligated for such expenses after such date during fiscal year 1987, and

(C) result in total outlays of $500,000 in fiscal year 1987.

(2) Before making determinations under paragraph (1), the President shall obtain from the Director of the Office of Management and Budget and the Comptroller General of the United States recommendations for determinations with respect to (A) the identification of the accounts affected, (B) the amount in each such account available as of such date for obligation, (C) the amounts planned to be obligated for such expenses after such date in fiscal year 1987, and (D) the uniform percentage by which such amounts need to be reduced in order to comply with paragraph (1).

(c) Within 30 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report specifying the determinations of the President under subsection (b).

(d) Sections 1341(a) and 1517 of title 31, United States Code, apply to each account for which a determination is made by the President under subsection (b).

Mr. HATFIELD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Mr. President, the Senate is not in order. It is difficult to hear what is being asked.

The PRESIDING OFFICER. The Senator from Oregon reserved the right to object.

Mr. HATFIELD. Would the Chair repeat the request made by the Senator from Ohio so some of us could hear?

Mr. METZENBAUM. I sent to the desk a modification of my amendment which I had a right to do under the rule. The modification is the modification of the language as suggested by the CBO. Therefore, the amendment as it now reads is the $500,000 amendment having to do with orphan drugs and with the credit as suggested by the CBO. So that is the amendment that we have pending at the moment. My understanding is this amendment has been cleared on both sides.

Mr. President, the Federal Government spends billions of dollars every year on thousands of different programs—from student loans to star wars.

Everyone agrees that we spend far too much on some programs—and far too little on others.

No one seems to agree, however, on which programs are worthy and which are worthless.

This relatively minor increase, Mr. President, could make a major difference—maybe even the difference between life and death.

This year, the FDA Orphan Product Board received 40 excellent grant applications.

They only have enough dollars to fund 15.

My $500,000 amendment, will fund seven more programs this year.

There is at least one program that enjoys the support of members on both sides of the aisle, and on each end of the philosophical spectrum. The Orphan Drug Program.

In the United States, we know of more than 5,000 different rare diseases that afflict over 8 million Americans.

Over half of these attack our children.

While we all are aware of Government sponsored research in the battle against cancer, heart disease, AIDS, Alzheimer's disease, and others.

We do not hear much about the fight against diseases that strike relatively few people.

That is what the Orphan Drug Program is all about.

It puts some of the Nation's most talented minds to work on the maladies that we do not hear about everyday.

They have names like Tourette syndrome, Wilson's disease, Marfan syndrom, leukodystrophy, and thousands more.

The following organizations support the amendment:

American Narcolepsy Association.
Amyotrophic Lateral Sclerosis Association.
Association for Glycogen Storage Disease.
Cornelia de Lange Syndrome Foundation, Inc.
Cystic Fiberosis Foundation.
Cystinosis Foundation, Inc.
Dysautonomia Foundation.
Dystrophic Epidermolysis Bullosa Research Assocation.
Ehlers-Danlos National Foundation.
Epilepsy Foundation of America.
Families of Spinal Muscular Atrophy.
Friedreich's Ataxia Group in America, Inc.
Guillain-Barré Syndrome Support Group International.
Hemochromatosis Research Foundation.
Hereditary Disease Foundation.
Huntington's Disease Foundation of America, Inc.
Immune Deficiency Foundation.
International Joseph Diseases Foundation.
International Rett Syndrome Association, Inc.
Interstitial Cystitis Association.
Mucopolysaccharidoses Research Funding Center.
Narcolepsy Network.
National Association for Sickle Cell Disease, Inc.
National Ataxia Foundation.
National Foundation for Ectodermal Dysplasias.
National Gaucher's Foundation.
National Head Injury Foundation.
National Huntington's Disease Association.
National Ichthyosis Foundation.
National Marfan Foundation.
National Multiple Sclerosis Society.

National Neurofibromatosis Foundation, Inc.
National Retinitis Pigmentosa Foundation.
National Tay-Sachs & Allied Diseases Association.
National Tuberous Sclerosis Association, Inc.
Osteogenesis Imperfecta-NCA, Inc.
Paget's Disease Foundation, Inc.
Parkinson's Disease Foundation.
Parkinson's Educational Program (PEP-USA).
Polycystic Kidney Research Foundation.
Prader-Willi Syndrome Association.
Scleroderma Info Exchange.
Scleroderma Society.
Sjogren's Syndrome Foundation.
Tourette Syndrome Association, Inc.
United Leukodystrophy Foundation, Inc.
United Parkinson Foundation.
United Scleroderma Foundation, Inc.
Williams Syndrome Association.
Wilson's Disease Association.
Associate Members:
American Spasmodic Torticollis Association.
Good Samaritan Medical Center, Neurological Coalition, Portland, OR.
National Addison's Disease Foundation.
National Chronic Epstein-Barr Virus Syndrome Association.
Ohio Tourette Syndrome Association.
Research Trust for Metabolic Disease in Children.

Americans who suffers from rare diseases also suffer from a harsh economic reality.

No pharmaceutical company will make an investment to research and develop a cure for a rare disease when they cannot recover that investment.

Drugs that treat rare diseases do not turn a profit.

Therefore, they do not get developed.

In 1983, we began to change all that. Congress passed the Orphan Drug Act.

The law is twofold. First, it gives drug companies a tax credit to offset costs of research and development.

Second, it set up a special grant program to fund rare disease research.

The grant program was authorized at a modest $4 million a year.

Yet even that small amount has never been fully appropriate.

Since 1984, I have offered amendments to bring the grant program up to its full authorization.

Gradually, we have brought it close. The program is currently at $3.5 million.

My amendment will bring the programs to the full $4 million.

Researchers are anxious to begin work on these terrible disorders, but they must have our help.

And the 8 million Americans who are suffering from rare diseases today also need our help, and I urge my colleagues to provide it by adopting this amendment.

Mr. HATFIELD. Mr. President, may we see a copy of the amendment. I have not seen a copy of the modification.

Mr. METZENBAUM. I apologize to the managers of the bill. I was under the impression they had seen it.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. For what reason does the Senator from Louisiana seek recognition?

Mr. JOHNSTON. Mr. President, I am seeking recognition.

The PRESIDING OFFICER. The Senator from Oregon, under a reservation of the right to object, has the floor.

Mr. HATFIELD. Mr. President, there is no objection on this side to the modification or to the amendment, as modified.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. JOHNSTON. Will the Senator yield to me?

Mr. METZENBAUM. I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, first of all I congratulate the Senator from Ohio for working so diligently to get this matter amended through CBO so that it is, in fact, deficit neutral. It is a half a million dollars for the orphan drug program. We support it in the committee.

Mr. MATSUNAGA. Will the Senator yield?

Mr. METZENBAUM. I yield.

Mr. MATSUNAGA. The amendment has just now been modified and I have not had a chance to read the modification. Would the Senator state what the modification is and what it does to the original amendment?

Mr. METZENBAUM. What it does is, it breaks down the $500,000 credit. We provided that there would be a $500 reduction in funds of the HHS for travel and subsistence. What this does, in accordance with the request of the CBO that it allocate it, it provides that there must be a way of allocating it. It has a rather complicated procedure that I think is unnecessary, but that is what the CBO wants. And if that is what it takes to getting the amendment through, I am willing to do that. I am concerned about providing the funds going for orphan drugs—and I am sure the Senator from Hawaii is aware of that—orphan drugs that are made for illnesses for which there are no normal manufacturers available.

Mr. MATSUNAGA. Yes. I appreciate the explanation. I appreciate also the fact that the Senator from Ohio is a cosponsor of a bill which I introduced on drugs being produced and shipped overseas and returned to the United States, altered and otherwise.

I thank the Senator for his explanation. I join as a cosponsor of his amendment.

Mr. METZENBAUM. I thank the Senator from Hawaii.

Mr. HATCH. Mr. President, I rise in support of this amendment which would provide supplemental appropriations for the Orphan Drug Act. This additional funding, $500,000, provides hope that there will be a drug developed for those suffering from rare disorders.

The main goal of this is to foster increased development of orphan drugs. There has been very encouraging progress in making more available existing drugs and in developing new drugs to alleviate suffering from a number of so-called orphan diseases. The name "orphan" was coined to reflect a perceived lack of concern about diseases which affect relatively small numbers of people. An orphan disease is one which afflicts fewer than 200,000 people and includes the rare and devastating diseases of Tourette syndrome, Huntington's disease, Federick's atazia and neuorofibromatosis. In the aggregate, several million people suffer from more than 2,000 different orphan diseases.

The amendment being offered by Senator METZENBAUM provides additional funds which will enable further cooperation between the private sector and Government. Over the past several years, we have had great success. There are over 55 drugs that are being tested for development that will help many people who suffer from orphan diseases.

I would like to commend my colleague, Senator METZENBAUM, for offering this amendment. He and Senator KASSEBAUM joined me in passage of the original, Orphan Drug Act. This amendment, which increases the funding, provides a small measure of hope to over 8 million Americans afflicted with an orphan disease. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Ohio [Mr. METZENBAUM]?

If not, the question is on agreeing to the amendment.

The amendment (No. 218), as modified, was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 238

(Purpose: To add appropriations for homeless housing programs)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. CRANSTON, Mr. MURKOWSKI, and Mr. D'AMATO, proposes an amendment numbered 238.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 161, between lines 14 and 15, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Homeless Assistance

(a) TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM.—For an additional amount for the transitional and supportive housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 and other applicable authority, $80,000,000 to remain available until expended.

(b) SECTION 8 EXISTING HOUSING.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is increased by $50,000,000 to be used only to assist homeless families with children.

(c) SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is increased by $40,000,000 to be used only to assist homeless individuals.

VETERANS' ADMINISTRATION

Veterans' Domiciliary Care and Care for Veterans with Chronic Mental Illness Disabilities

(TRANSFER OF FUNDS)

For an additional amount for "Medical Care", $20,000,000, to remain available through September 30, 1988, of which $10,000,000 shall be available for converting to domiciliary-care beds underutilized space located in facilities (in urban areas in which there are significant numbers of homeless veterans) under the jurisdiction of the Administrator of Veterans' Affairs and for furnishing domiciliary care in such beds to eligible veterans, primarily homeless veterans, who are in need of such care, and of which $10,000,000 shall be available, notwithstanding section 620C of title 38, United States Code, to homeless veterans who have a chronic mental illness disability: *Provided*, That not more than $500,000 of the amount available in connection with furnishing care under such section 620C shall be used for the purpose of monitoring the furnishing of such care and, in furtherance of such purpose, to matintain an additional 10 full-time-employee equivalents: *Provided further*, That nothing in this paragraph shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Operations, Research, and Facilities

(DEFERRAL)

The sum of $27,500,000 appropriated pursuant to Public Law 99-500 and Public Law 99-591 for commercialization of the land remote sensing satellite system is hereby deferred for the remainder of fiscal year 1987, and shall remain available until expended.

Mr. DOMENICI. Mr. President, the amendment has as original cosponsors Senators CRANSTON, MURKOWSKI, and D'AMATO. I will briefly explain this amendment.

First of all, according to the Congressional Budget Office—and I believe verified by the Senate Budget Committee—this amendment in the budget year that we are considering is deficit neutral with reference to outlays. As a matter of fact, by the deferral that we include in this amendment, we actually save a few million dollars more than we spend. So, on the issue of whether or not this is subject to a point of order, it is not.

I have been searching for a way, since the Senate decided that the homeless assistance amendment previously offered was out of order and a waiver would not be granted under the Budget Act, to focus attention on one big missing part of the homeless assistance initiative.

Most of us are aware that the bill before us has some very substantial assistance for those in America who are homeless, whether they be the mentally ill, to which the Senator from New Mexico has been directing his attention, or veterans, or others who are homeless in America. We have provided substantial moneys in this bill for assistance to the homeless.

But the area that has been significantly shortchanged—and I do not blame the committee—is housing. There was a suggestion that an amendment would be offered on the floor with reference to the missing link of housing for the homeless; in particular, housing that can be used for transitional purposes as we attempt to take care of the mentally ill, and seriously mentally ill that are homeless.

Also, there is a targeted group that we are now aware of among veterans that we find living in the streets, and they, too, are in need of some specialized and targeted housing assistance.

So what the Domenici amendment does—and I am very grateful for the assistance of Senators CRANSTON and MURKOWSKI, especially on that portion that pertains to the veterans, and Senator D'AMATO, who has been concerned about providing housing for all the homeless—is provided $190 million in budget authority for housing services for the homeless. This authority funding spends out over a number of years but it will cost $14.2 million in outlays this year, the year that we are now considering. The $190 million in budget authority for fiscal year 1987 will fund HUD transitional housing demonstrations, section 8 emergency housing and section 8 moderate rehabilitation activities, and assistance for homeless veterans. As I indicated, the total budget authority over the years is about $190 million. The cost, according to CBO, is $14.2 million in outlays in fiscal year 1987.

What we found as an offset to pay for this amendment is a $27.5 million deferral that will save $18.6 million in outlays in fiscal year 1987. That particular deferral concerns itself with specific funding for Landsat. We had obligational authority and outlays were assumed, but we have conditioned the expenditure of that money—we froze it—until the administration sent us, and Congress approved, an operating plan. That event has not occured. As a matter of fact, that so-called operating plan was denied by the Congress, and I have confirmed that there is no immediate hope that any such operating plan will be in existence in time to cause any of these deferred moneys to be needed in fiscal year 1987. Therefore, I have saved $18.6 million in outlays by deferring the $27.5 million that was supposed to be utilized for the operating plan that was expected to be implemented for Landsat.

I am confident that this is more than neutral in the budget year that we are talking about, but I am more confident that we need this kind of transitional housing money if we are going to begin to make a dent in the homelessness problem in this country.

We now are establishing some good criteria, some good goals, especially for the seriously mentally ill who are homeless. And the sine qua non of all of those is some kind of housing. If we do not have some housing available, the programs of care, casework, providing medical attention, using new medicines, none of that is going to work unless there is housing available to our cities and counties out there who are trying to cope with this problem.

So, Mr. President, I am very pleased that we found a way to add to what is in this bill for the homeless, especially in areas that have to do with additional housing aid to our cities and to our States. The States and localities must utilize these funds so that the homeless in the categories I have described have a real chance of getting some care, of being put into reasonable housing, and yet at the same time not destroying the voluntarism and the good works that are being performed by hundreds and hundreds of people through churches and charitable organizations, and cities and counties across our land.

I hope the Senate will adopt this amendment. I think it will merge well with what the House is contemplating. We will have put the finishing touches on a reasonably good homeless package in this appropriations bill and in the full appropriations bill which was passed last year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, as the principal cosponsor of this amendment by the distinguished Senator from New Mexico, I rise to urge support of it. Even though I would have preferred that the earlier Cranston-D'Amato homeless housing amendment, which was supported strongly by the Senator from New Mexico, had been adopted, this is the next best option for those of us who are deeply concerned about the plight of the homeless in America.

It is budget neutral. It would add $190 million for homeless programs, including $20 million which I had intended to offer as an amendment along with the ranking minority member of the Veterans' Affairs Committee, Senator MURKOWSKI of Alaska.

This amendment gives us an opportunity to make good, or at least almost good, on our commitment to fight homelessness in America. We made this commitment on April 9, on rollcall 74, when we adopted by a vote of 85 to 12 the omnibus homeless assistance bill, H.R. 558.

We have a deep obligation, and have made a moral commitment by our earlier votes, to do all we can to see that at least some help goes to homeless Americans.

We have to act now, not later, in order to give enough lead time so that when next winter arrives this support will be in place. It is, therefore, very, very important that we act now on this amendment and not put it off until some other time.

I want to thank the distinguished ranking minority member of the Budget Committee, the Senator from New Mexico, for working so cooperatively with us in two respects: First, so as to target the money added in the best possible way among our homeless housing programs—as we are now working them out in conference on the authorizing legislation—taking into consideration the outlay constraints of maintaining budget neutrality.

Second, by incorporating our homeless veterans' amendment as we had included it in the Cranston-D'Amato amendment but without the pro-rata reduction portion we had proposed earlier to achieve budget neutrality.

HOUSING ADD-ON

This amendment would provide appropriations for three separate housing programs.

First, the amendment would provide $80 million for the transitional and supportive housing program. This appropriation reflects preliminary agreements which have been reached in the conference between the House and Senate authorizing committees. Supportive housing is defined as a project that provides housing and supportive services for homeless persons. As such, supportive housing encompasses the transitional housing program—which provides interim housing and support services, particularly for homeless families, until such families and individuals can make the transition to independent living—and permanent housing for handicapped homeless persons—which provides permanent housing and supportive services in a group home setting for individuals who are homeless and either physically disabled or mentally impaired.

Second, this amendment would appropriate $50 million for a special allotment of 1,900 section 8 certificates to help homeless families with children.

Finally, this amendment would provide $40 million in additional assistance for moderate rehabilitation of single room occupancy buildings. This appropriation also reflects preliminary agreements made in conference.

VETERANS' ADMINISTRATION ADD-ON

Mr. President, as the chairman of the Committee on Veterans' Affairs, I had intended, on behalf of myself and the committee's distinguished ranking minority member, Mr. MURKOWSKI to offer an amendment to provide $20 million to the Veterans' Administration and homeless Veterans' assistance.

Mr. President, this part of our amendment is very similar to a provision that was proposed by the distinguished chairman of the House Veterans' Affairs Committee, Mr. MONTGOMERY as a floor amendment to this supplemental appropriations bill and adopted by the House. The House provision, however, would transfer, whereas our amendment would add, $20 million to the VA's medical care account for assistance to homeless veterans.

This amendment would carry out the provisions of the Senate-passed homeless authorization bills, H.R. 558 and S. 477, specifically with respect to veterans. Our amendment would provide for $20 million for assistance for homeless veterans out of the total of $90 million we are proposing to add to the $137.5 million already included in the bill for initiatives specifically relating to homelessness—for a total homelessness appropriation of $327.5 million.

Various estimates indicate that a third of the approximately 350,000 homeless persons in America—some say half or more—are veterans, and I strongly believe that the special congressional initiative to deal with the tragedy of homelessness should include efforts to help deal specifically with the plight of those homeless persons who have served faithfully in our Nation's Armed Forces.

In contrast to the House $20 million veterans' amendment, the $20 million that the Domenici-Cranston amendment would allocate to the VA's medical care account would be divided in two equal parts. Half would go to increasing the VA's capacity to furnish eligible veterans, primarily homeless veterans, with domiciliary care, a form of institutional care combining room and board with medical and rehabilitative services aimed at enabling the veteran to return to independent functioning in the community. The entire House $20 million would have been used for this purpose. The other half of the $20 million in our amendment would go toward the furnishing of contract halfway house and other community-based psychiatric residential treatment, under section 620c of title 38, United States Code, to homeless veterans who are suffering from chronic mental illness disabilities.

I explained in some detail the need and justification for this $20 million appropriation to the Veterans' Administration during debate on the amendment I submitted earlier with the Senator from New York [Mr. D'AMATO]. I will not repeat that discussion.

In closing, I want again to express my appreciation to the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies, Mr. PROXMIRE, and his very able staff—Tom Van Der Voort and Marian Mayer—for their cooperation in working with us on this amendment.

As chairman of the Veterans' Affairs Committee and the Banking Committee Subcommittee on Housing and Urban Affairs, I strongly support this amendment. I urge its adoption. It should be adopted, I should think, without any opposition at all.

Mr. MURKOWSKI. Mr. President, I am pleased that my distinguished colleague from New Mexico, Senator DOMENICI, has agreed to incorporate into his amendment a provision which would provide additional funds for certain vital Veterans' Administration [VA] programs for homeless veterans.

Mr. President, initially Senator CRANSTON and I intended to propose an amendment which would add $20 million to the Veterans' Administration medical care account to assist the VA in its ability to provide care for homeless veterans. The amendment before us contains this provision.

The Senate has recently passed legislation which would authorize the provision of such care to homeless veterans. Mr. President, the $20 million we propose to add would be made available to the VA through September 30, 1988, and would be targeted for two veterans' programs.

First, $10 million would be allocated for the expansion of the VA's Domiciliary Care Program. As I have previously stated—during the committee's markup on homeless legislation and as part of the minority views which accompanied S. 477—I strongly believe

that the domiciliary program is the appropriate vehicle to address the needs of many homeless veterans.

In fact, the Senate has twice passed legislation—as part of S. 477 and H.R. 558—to require the VA to convert underutilized space located in VA facilities to 500 domiciliary beds. In order to accomplish this most worthy goal, the VA needs funding. In that light, I strongly support the transfer of funds.

Second, $10 million would be allocated for the treatment and rehabilitation of chronically mentally ill veterans in halfway houses and other community-based psychiatric residential treatment facilities.

Public Law 100-6, as enacted on February 12, 1987, contains a provision which I authored to authorize the VA to provide community-based psychiatric residential treatment to certain homeless and other chronically mentally ill veterans. This law also appropriated $5 million to the VA for that purpose.

Mr. President, since the enactment of Public Law 100-6, the Senate has twice passed legislation which requires the VA to use the authority provided in that law to conduct a pilot program for homeless veterans who have a chronic mental illness. In addition, that legislation authorized expenditures of $5 million in fiscal year 1987 and $10 million in each of fiscal years 1988 and 1989.

This new program is in the initial stages of implementation, but it is too early to determine its effectiveness. However, according to VA officials, there has been a great deal of excitement surrounding this program. It is vital for the VA to have adequate resources to carry out the aforementioned pilot program.

Our amendment would also provide that up to $500,000 of the $10 million transferred for purposes of furnishing care to homeless veterans who have chronic mental illness disabilities would be used to monitor the furnishing of care and to provide additional staffing to effectively monitor the program.

Mr. President, I strongly believe that homeless veterans are in need of help. These two programs would be an appropriate mechanism to provide such help.

I urge my colleagues to join with me in supporting this amendment which will help veterans who now are homeless.

Mr. JOHNSTON. Mr. President, the distinguished Senator from California has worked long and hard for the homeless, and the Senator from New Mexico has labored in those vineyards for a long time as well. Now the Senator from New Mexico has come up with a new amendment which does, in fact, have outlay neutrality.

Were we to be supertechnical in the approach to the Senate rules, we might find a point of order that could be made on this amendment. But if we did, Mr. President, it would be putting form over substance. It would be worshiping at the shrine of supertechnicality. What we need to do is to get this money in place for the homeless for next winter. That is what this amendment does, while at the same time keeping outlay neutrality.

For that reason, we will not enter any objection, Mr. President. We urge its acceptance.

The PRESIDING OFFICER. Is there further debate?

The Senator from Oregon.

Mr. HATFIELD. Mr. President, this amendment has been cleared on the minority side, but I would like to just comment briefly.

I think this points up again the difference between authorizing a program and funding a program. I need not repeat a great amount of history on the question of authorizing the homeless bill. But I did indicate at that time that it seemed that it would have been a cruel hoax to raise the expectations and hopes of homeless people and their advocate groups by passing an authorization bill without recognizing the problems we would have in funding that later on in the supplemental.

The committee has put $137 million into the supplemental which is before us in an effort to reach as high a figure as possible within the framework of the Budget Act and all of the other restrictions.

The Senator from New Mexico now offers to add $20 million more to that, making it approximately $160 million.

Lest we feel that this has somehow reached a level of satisfying the need or meeting the need, I think we ought to be reminded that we are really at less than half of the authorizing level of the authorization in the homeless bill, or approximately half. That does not mean that even with this amendment we have solved the homeless' problem in this country. I think we have certainly kept faith with the authorization, at least in making a substantial first step toward meeting some kind of need for the homeless of this country.

I want to commend the Senator from New Mexico and the Senator from California for their efforts on targeting this particular program. I only want to raise again the fact that we have not really even lived up to 50 percent of our commitment that we voted on this floor in the authorization for the homeless bill. I am not sure that even that figure would have met the primary needs, quantitatively speaking, of the homeless in this country. I just want to make that record at this point because it is a job started but certainly far from accomplished. I am happy to clear this amendment on this side of the aisle with that caveat, that we are not yet fulfilling our basic obligations to the human needs of this country, even with these two provisions of this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, as author of S. 763, "Services for Homeless Mentally Ill Individuals Act of 1987," I would like to explain the importance of this housing amendment as it relates to the mentally ill who are homeless.

The primary value of housing for this particular population of homeless people is quite simple and quite compelling. Unless the homeless mentally ill can be stabililized, the rest of our efforts on their behalf are destined to fail.

It does no good to diagnose and begin treatment if there is no stable living environment. Case management makes no sense if the case manager and the client cannot find each other. And outreach would be a waste of time if we could not place the mentally ill homeless in a stabilizing situation.

The five service elements in S. 763 were developed in a small and effective program run by the Federal Government. They are: First, outreach; second, transitional housing; third, psychiatric or psychological treatment; fourth, case management; and fifth, staff training.

This group of service elements is a tested approach. It was applied for 4 years of effort in 10 cities. This effort was funded by the Community Support Program of the National Institute of Mental Health for slightly under $2 million over the 4-year period.

In developing S. 763, I consulted with and obtained the full support of the following mental health groups: National Alliance for the Mentally Ill, National Mental Health Association, American Psychiatric Association, American Psychological Association, National Council of Community Mental Health Associations, and others.

These elements are contained in titles IV and V of the Senate substitute (S. 809) for H.R. 558, Urgent Relief for the Homeless Act. There is language in both of these titles building a strong bridge between housing and mental health services.

S. 809 TITLE IV—HOUSING ASSISTANCE

Our bill calls for a comprehensive homeless assistance plan that would identify and "meet the specific needs of the various types of homeless individuals, particularly families with children, the elderly, the mentally ill, and veterans."

S. 809 TITLE V—HEALTH SERVICES AND MENTAL HEALTH SERVICES FOR THE HOMELESS

Section 1934 requires that all five of the service elements I have described above must be included in each State

receiving funds. This, of course, includes transitional housing.

In addition, case managers are specifically mandated to provide assistance in obtaining housing services for the seriously mentally ill who are homeless.

Third, the State application is required to address the issue of residential settings for the homeless mentally ill.

Finally, title V of S. 809, as passed overwhelmingly by the Senate (85-12), mandates that the chief executive officer of each State shall "certify that the State will ensure that the activities conducted under this part will be coordinated with transitional housing provided under the Transitional Housing Demonstration Program carried out by the Department of Housing and Urban Development." (Title IV.)

It is, therefore, the clear intent of S. 809, as passed, to link mental health services and housing.

I explained these connections in more detail on April 9, 1987, when we passed the bill. I would again, however, like to thank Senators HATCH, KENNEDY, and CRANSTON for their excellent work in helping me to coordinate these vital service elements for the homeless who are mentally ill.

Without the housing element, there could be no stability for those who need it most. With housing, we, at least, improve our chances of bringing some of these fragile people back to a semblance of normal life.

LONGER TERM HOUSING

In addition to the $60 million for transitional housing in fiscal year 1987, the Cranston-D'Amato amendment adds $80 million for emergency shelters and $85 million for section 8 assistance.

The section 8 assistance will be a valuable tool for longer term housing for the homeless who are mentally ill. By providing rental assistance through local housing authorities, we will be able to serve groups desiring to go beyond the 18-month limit of transitional housing.

These are 5-year certificates rather than 15-year certificates in order to reach homeless people sooner. About 1,900 certificates will be created at this funding level. Added to the provisions of the Transitional Housing Program, we will be able to do a better job of beginning the long commitment it takes to bring some of the homeless permanently off the streets.

The section 8 moderate rehab certificates will help to create newly rehabilitated single room occupancy structures. With $35 million, about 1,050 units will be made available.

CONCLUSION

Unless we have housing for the homeless who are mentally ill, our ability to turn their lives around will be seriously diminished. The results of 4 years of work by 10 cities will be lost if we have not learned this lesson.

I fully support this amendment and urge my colleagues to do the same. We need this housing if we are going to be serious about changing the lives of street people who are seriously mentally ill.

Mr. President, I want to thank those who have given their support to this amendment. While we are not yet up to the authorizing level, but I think we are at about 60 percent thereof, I again repeat that the Senate is going to authorize the funding for the housing part of the homeless initiative that we have provided in this bill. I thank the chairman and the ranking member for their support. I yield the floor.

Mr. D'AMATO. Mr. President, I rise today on behalf of a worthy amendment proposed by my colleague from New Mexico, Senator DOMENICI. This amendment comes in response to an earlier amendment introduced by Senator CRANSTON and myself. Although I wish the Cranston-D'Amato amendment had been successful in providing a full $225 million for housing for the homeless, I am pleased to support any effort to help the homeless in this country. I appreciated Senator DOMENICI's support of the Cranston-D'Amato amendment, and I am pleased to support an alternative amendment which addresses the same problem.

The supplemental appropriations bill does not contain any funding for housing for the homeless. I cannot stand by and allow this to happen. The homeless are in urgent need of housing—a need the Senate fully acknowledged 1 month ago wih the passage of H.R. 558, the housing provisions of the Urgent Relief for the Homeless Act of 1987.

The Domenici amendment provides $190 million for housing for the homeless; $80 million of this funding is for transitional housing, $90 million is for section 8 assistance, and $20 million is for assistance for homeless veterans. The authorization of these very programs, in H.R. 558, exhibited a clear commitment to provide immediate Federal assistance to housing the homeless. H.R. 558 passed the Senate by an overwhelming vote of 85 to 12.

Transitional housing provides homeless people with interim housing and support services to facilitate their transition to independent living over periods ranging from several weeks to about 18 months. This type of housing is of particular benefit to families with children and to the mentally ill. Given the large number of homeless families, as well as the large number of mentally ill individuals who are homeless, I am pleased that we are providing these individuals with some security and assistance—vital components to living and functioning independently.

While emergency shelters can offer a place to stay for a few days or weeks, transitional housing is intended to provide a longer period of relative stability during which a homeless person can be helped to seek employment and permanent housing, secure benefits, and receive needed health care and counseling.

Section 8 assistance is intended to address the problems of the homeless in a more substantial manner than brief 1 year emergency funding. Consequently, this amendment provides a total of $90 million—$50 million for section 8 existing housing certificates and $40 million for moderate rehabilitation certificates—to ensure that permanent housing is available to the homeless. Homelessness will not be a problem that is solved overnight. As we push to act quickly, we must also make sure that our funding seriously addresses this problem in a substantial, long-term manner.

In addition, the Domenici amendment contains a provision to ensure that the needs of homeless veterans are met. Homeless individuals who have served in our Nation's Armed Forces deserve to be assured of health and housing services. This amendment contains a provision to provide $20 million for homeless initiatives to homeless veterans.

Estimates indicate that a third of the homeless persons in the United States are veterans. Clearly, Federal efforts to combat homelessness must take these statistics into account. We must ensure that those homeless individuals who fought for this Nation receive adequate services.

With such a substantial exhibition of commitment to the homeless, it is surprising—if not upsetting—to find that the supplemental contains not one penny for housing the homeless. Four weeks ago the Senate decided overwhelmingly that providing funding to the homeless was a top priority. Four weeks later, the Senate is considering passing a piece of emergency legislation which contains absolutely no funding for housing the homeless. This kind of dishonesty and misrepresentation is an outrage—especially when the individuals affected by this funding are in urgent need of something we all take for granted, a roof over our heads.

A supplemental package without any funding for housing for the homeless would be a charade. The Senate would be promising funding for the homeless, while not actually supporting money in the pocket for programs in the field. These programs desparately need immediate funding. The Senate rushed H.R. 558 through the Senate in order to meet the urgent need of providing housing and services to the homeless. Not providing appropriations for these programs would be a virtual breach of faith on the part of the Senate.

In this time of major budgetary constraints, I am pleased that my colleague from New Mexico, the ranking member of the Budget Committee is supportive in addressing the homeless problem in this country. I commend him for his commitment to this cause, and I am pleased to join him in the effort to rid this Nation of homelessness.

HOMELESS APPROPRIATION

Mr. WIRTH. Mr. President. I am encouraged by the action taken today by the Senate in regard to combating the problem of homelessness in America. What makes today's accomplishment so notable is that we will have made progress toward alleviating the suffering of the homeless, without further jeopardizing our goal of reducing the Federal deficit.

America has a proud tradition of treating the less fortunate of our society with compassion and dignity. Our duty lies not only in providing for the immediate physical needs of the homeless, but also in helping them find permanent housing and independence.

I fear that in recent years we have allowed our commitment to these ideals to slip. Cuts in mental health funds have forced State hospitals to discharge poor, mentally ill patients. Deep cuts in domestic programs have forced many to choose between food and shelter. I believe we must now take action that will renew our commitment to providing for the least fortunate in our society.

For this reason, I cosponsored the Senate homeless bill which was designed to move beyond emergency assistance to a more comprehensive, long-term approach. I was pleased when that bill, S. 809, was passed overwhelmingly by the Senate earlier in the session, and I am pleased that we are now making good on our promise by appropriating funds to implement this comprehensive program.

Most of all I am pleased that we took this action—appropriating essential funds for the housing portion of the homeless bill, without hindering our progress toward deficit reduction. That, I think, is an accomplishment worthy of note.

I commend the sponsors of the distinguished Senator from New Mexico [Mr. DOMENICI], the distinguished Senator from California [Mr. CRANSTON], and others, and I am pleased to have supported it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 238) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I just want to note that the amendment I had intended to offer, along with Senator MURKOWSKI, for which we had been holding a place in line is now canceled out by the adoption of the Domenici-Cranston amendment, which incorporates our amendment, so we no longer have that amendment.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Louisiana.

AMENDMENT NO. 239

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 239.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, after line 6, add the following:

SEC. . Section 5314 of title 5, United States Code, is amended by adding at the end the following: "Comptroller of the Department of Defense."

Mr. JOHNSTON. This amendment ensures that the comptroller of the Department of Defense be paid at a level 3 grade. In the recent legislation with respect to the reorganization of the Department of Defense, it failed to specify what the pay grade of the comptroller of the Department of Defense was. This simply clears up that oversight or that ambiguity. It has been cleared through all the appropriate committees on both sides of the aisle.

Mr. HATFIELD. Mr. President, the Senator is correct. I am informed that Senator STEVENS, the ranking minority member of the subcommittee, has cleared this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 239) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I understand the distinguished Senator from New Mexico has an amendment which has been cleared. If so, we are ready to take that at this time.

Mr. DOMENICI. Mr. President, first I want to say to the floor managers, that I had a third amendment with reference to EPA, and I probably will not be offering it. I will advise you very shortly so that you will be able to better manage the bill as far as us helping you with that.

AMENDMENT NO. 240

(Purpose: To change criteria for REA refinancing to 6 customers or less per line mile)

Mr. DOMENICI. Mr. President, I have an amendment cosponsored by the distinguished chairman of the Appropriations Committee, Senator STENNIS, and his ranking member, Senator COCHRAN. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. STENNIS, and Mr. COCHRAN, proposes an amendment numbered 240.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, strike lines 17 through 22, and insert the following:

"Notwithstanding the amount authorized to be prepaid under section 306A(d)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 936a(d)(1)), a borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of such Act (7 U.S.C. 936) that serves 6 or fewer customers per mile may, at the option of the borrower, prepay such loan (or any loan advance thereunder) during fiscal years 1987 or 1988, in accordance with section 306A of such Act."

Mr. DOMENICI. Mr. President, this is a very simple amendment. In the bill before us, there is a provision for refinancing REA. There is a criterion of three customers per line mile. This merely modifies that to six customers per line mile. We have checked it with those on both sides of the aisle and with the sponsor of the original amendment in the committee, the chairman of the Subcommittee on Agriculture. I believe they have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

Mr. HATFIELD. The amendment has been cleared on this side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 240) was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 241

Mr. JOHNSTON. I send an amendment to the desk on behalf of Senator INOUYE and Senator MATSUNAGA and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] on behalf of Mr. INOUYE and Mr. MATSUNAGA, proposes an amendment numbered 241.

Mr. JOHNSTON. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35 after line 2 insert the following:

"DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

Of the amounts heretofore appropriated and made available for Energy Supply, Research and Development Activities, $1,200,000 shall be for completion of the MOD-5-B Wind Turbine Project."

Mr. DOMENICI. Mr. President, the chairman and the distinguished ranking member can strike the Domenici EPA amendment. We are not going to offer it. We are going to try to work on it with the committee members.

Mr. JOHNSTON. I thank the Senator.

Mr. President, the instant amendment simply provides that $1,200,000 of funds already appropriated can be spent for completion of what we call the MOD-5-B wind turbine project, already funded previously. They need to spend this $1.2 million on certain tests that are required for completion. The amendment has been cleared.

Mr. HATFIELD. Mr. President, the amendment has been cleared on the minority side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. JOHNSTON].

The amendment (No. 241) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. JOHNSTON. Mr. President, I announce to my colleagues now that the list of amendments is getting very short and we are moving to a position to go to third reading very soon. Most of the amendments will probably either go away or not be offered. So if anyone has an amendment, he or she should come to the floor without delay because Senator HATFIELD and I are ready to move to third reading.

Mr. HATFIELD. Mr. President, I join the Senator from Louisiana in urging Senators to be here to offer their amendments that they have listed on our comprehensive amendment list. I believe we have one here that we can act upon that has been cleared on both sides.

Mr. JOHNSTON. Mr. President, I might add that I have been informed that Senator PELL will not offer the Moscow Embassy language amendment. So that makes the list that much shorter.

AMENDMENT NO. 242

(Purpose: To require a report on previous expenditures for Southern Africa)

Mr. HATFIELD. Mr. President, I send an amendment to the desk on behalf of the Senator from North Carolina [Mr. HELMS] and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. HELMS, proposes an amendment numbered 242.

Mr. HATFIELD. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

"SEC. . None of the funds appropriated by this Act for Southern Africa shall be obligated or expended until the President has reported to the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Committees on Appropriations an itemized accounting of all expenditures of funds authorized by the Foreign Assistance Act of 1986 (P.L. 99-83) for Southern Africa and by P.L. 99-440 and, pursuant to such authorizations, subsequently appropriated.".

Mr. HATFIELD. Mr. President, this basically is a requirement placed upon the President to provide a report on the act for southern Africa funds that are authorized by the Foreign Assistance Act. That kind of report has to be made to the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Committees on Appropriations.

I believe this has been cleared with Senator INOUYE, with the chairmen of the subcommittees on appropriations, and with our side as well.

Mr. JOHNSTON. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. HATFIELD] for Mr. HELMS.

The amendment (No. 242) was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. JOHNSTON. Mr. President, I repeat that this list is—I do not know of any amendments that will be brought up for certain. I assume that some amendments will be brought up but if not brought up soon, then we would expect to go to third reading.

I want to repeat that. I shall repeat it again in a few moments so that Senators will be fully on notice. But the list is vanishingly small and there are no really important amendments that I can see left on the list. So again, I put Senators on very polite notice that we are going to third reading soon, we hope.

The PRESIDING OFFICER. The Chair awaits the pleasure of the managers of the bill.

Mr. HATFIELD. Could we possibly make a call for third reading?

Mr. JOHNSTON. Mr. President, I would personally be very happy for a call for third reading. I wonder if the Senator from Oregon might wait just a few more moments to see if these amendments do in fact vanish.

Mr. HATFIELD. I should be very happy to wait for another 3 minutes.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

AMENDMENT NO. 243

Mr. HATFIELD. Mr. President, on behalf of the Senator from Connecticut [Mr. WEICKER] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. WEICKER, proposes an amendment numbered 243.

Mr. HATFIELD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 64 of the bill, after line 22, insert: "Rehabilitation Services and Handicapped Research of the funds appropriated for Rehabilitation Services and Handicapped Research for fiscal year 1987, $15,860,000 is available for Special Demonstration Programs under Section 311(a)(b)(c)."

Mr. HATFIELD. Mr. President, this amendment has been offered on

behalf of the Senator from Connecticut [Mr. WEICKER]. It is in a sense a technical amendment for it corrects an error in the fiscal year 1987 bill with regard to funding of programs under the Rehabilitation Act. It has been requested by the administration as well, and it is necessary to ensure the $15.8 million appropriated for Special Demonstration Programs is expended according to the intent of the conferees of the conference on the fiscal year 1987 appropriation bill.

I believe it has been cleared on both sides of the aisle.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. The amendment has been cleared.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment offered by the Senator from Oregon [Mr. HATFIELD].

The amendment (No. 243) was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I have just received word that the Heflin-Shelby amendment will not be considered. That makes our list even shorter. In spite of several entreaties now, we have neither had an amendment brought up nor had word from anyone that they intended to bring those amendments up. I wonder if the distinguished Senator from Oregon has received word about any amendments being brought up.

Mr. HATFIELD. Yes. Mr. President, in response to the Senator from Louisiana, we are informed that Senator D'AMATO of New York and Senator HELMS of North Carolina are on their way to the floor to offer an amendment each.

Mr. JOHNSTON. Mr. President, for that reason, I will withhold the move for third reading for a few more moments to allow them time to get to the floor and bring up their amendments.

Mr. HATFIELD. Three minutes.

Mr. JOHNSTON. I believe that would be appropriate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 244

Purpose: (To limit the waivers on regulations of re-registration of foreign ships operating in Persian Gulf area to U.S. registry)

Mr. D'AMATO. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 244:

At the appropriate place insert the following:

(1) Waivers or expedited procedures under the requirements of 46 U.S.C. 12101 *et seq.* for the re-registration of ships to United States registry from ships originally belonging to non-belligerent nations of the Persian Gulf Region, or of other nations seeking safe passage through the Persian Gulf, shall not be granted except to the extent that (A) an equal number of such ships are re-registered under the flags of our NATO allies and Japan within a 60 day period in which such waiver is sought, or (B) an equivalent guarantee of maritime security is made by our NATO allies and Japan.

(2) Any waiver, or relaxation of registration requirements pursuant, to 46 CFR Chapter 1, Chapter 6.01 shall expire within 30 days unless the President makes a full report to the Congress in writing detailing the particular national defense interest in the exemptions and the facts justifying their continuance.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

Mr. D'AMATO. Mr. President, many of my colleagues have spoken this week to express their concern about the nature and extent of our suddenly expanding, and demonstrably dangerous, commitments in the Persian Gulf region. I share that deep concern. Last week's incident involving the U.S.S. *Stark* tragically demonstrates the perils of placing American ships and American lives in harm's way without a clearly defined mission and adequate support from our allies.

Some of my colleagues have already addressed themselves to this very issue. I certainly support the motions that have been made calling upon the President to report to the Congress regarding the *Stark* incident and the extent of our commitments in that troubled part of the world.

Like my colleagues, I am particularly concerned about the haste with which our commitments are expanding and multiplying. The administration has offered to reregister *Kuwaiti* and other vessels as American-flag carrying ships, entitling them to the protection of the U.S. Navy. This is being accomplished by the granting of waivers from our own ship registration requirements, including our rigorous safety inspection standards. Our maritime regulations permit such waivers in the interests of national defense.

Mr. President, this only begs the question: What are those interests? It is essential that those interests be specified, so that the mission—and the exposure to danger of American lives and property—be tailored accordingly. This is only reasonable.

More important, Mr. President, if we are going to stretch our laws to protect freedom of navigation and the free flow of commerce in the Gulf—principles we all support, Mr. President—we cannot and should not do it alone. More than 90 percent of the oil transported through the Gulf is headed, not for the United States, but for Western Europe and Japan. It is only reasonable, Mr. President, that the burden be shared by those who most benefit. The Soviet Union, for its own geopolitical reasons, is participating in the protection of Gulf shipping; why shouldn't our NATO allies, who most benefit from freedom of commerce in the Gulf, participate as well?

I therefore introduce this amendment today. The amendment sets forth two points: First, that the burden of maintaining freedom of the seas be shared by our NATO allies and Japan; and second, that the administration demonstrate to the Congress that it knows precisely what it is doing, and why, in authorizing the reflagging of foreign vessels in this region.

The amendment requires that the ships of foreign, nonbelligerant nations in the Gulf be reflagged as United States vessels only to the same extent that the protection of such vessels is similarly undertaken by our allies and Japan.

Further, the amendment states that any waivers from our registration requirements for the purpose of reflagging these vessels would expire within 30 days unless the administration reports to the Senate exactly why the waiver was granted, and offers concrete reasons why it should be continued.

Mr. President, this is not an attempt by the Congress to micromanage foreign policy. It raises no constitutional questions. It is separate from the very important, very complicated issues surrounding the War Powers Act. It simply holds that if we are going to stretch our laws for the benefit of others, we should know why we are doing it; and that the burden of doing so should be shared by those who most benefit.

Mr. President, the lessons of our recent past in Lebanon and in the Persian Gulf are all too clear. They are that we must act in cooperation with our allies in defense of our mutual interests; and that we should not embark on a dangerous and difficult course without knowing exactly where we intend to go. I urge my colleagues to support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, the administration's refusal, at this time, to apply the provisions of the war powers resolution to the current situation in the Persian Gulf is correct. The war powers resolution, enacted into law on November 7, 1973, was a product of congressional criticism and hostility toward the Vietnam war. I realize that serious differences still exist among the Members of this body over the validity and the consequences of United States participation in the Vietnam war. It is my strong belief that history has already demonstrated that United States participation in that tragic conflict was right and that our failure to stand by our Vietnamese ally has had serious negative consequences for not only Southeast Asia, but also for the conduct of American foreign policy during the last 15 years. There is no doubt in my mind that we have weakened the President's role as Commander in Chief of the U.S. Armed Forces and thereby weakened the national security of this country in the process.

On May 17, an Iraqi Mirage F-1 jet fired two Exocets at the U.S.S. *Stark*, resulting in the untimely death of 37 naval personnel. The *Stark* was severely damaged by the attack. There are many unanswered questions about the Iraqi attack on that naval vessel, but it was a solitary attack and the Iraqi Government has already apologized. Iraq has claimed that the *Stark* incident was an accident and that the firing of two Exocet missiles at the American frigate was unintentional. That may or may not be true, but one thing is certain. One incident, particularly an unintentional one, does not create an imminent threat of hostilities, to use the term applied by the war powers resolution.

Mr. President, the administration is correct in its refusal to apply the war powers resolution to the situation in the Persian Gulf. The war powers resolution of November 7, 1983, requires the President: First, to consult with the Congress before U.S. Armed Forces are introduced into hostilities or situations where imminent involvement is clearly indicated; and second, if U.S. Armed Forces are introduced into hostilities or an area threatened with imminent hostilities, then the President must report to the Congress within 48 hours detailing the circumstances of the situation, specifying the constitutional and legislative authority under which the commitment took place, and stating the estimated scope and duration of the hostilities and the nature of American involvement.

The United States is not involved in hostilities in the Persian Gulf. The United States is a neutral nation with respect to the Iran-Iraq war. Kuwait is not involved in hostilities in the Persian Gulf. In international law which governs the operation of armed conflict, neutral ships have the right of free passage on the high seas. Thus, they are absolutely entitled to the freedom of passage in the Persian Gulf. If American flags are flown by Kuwaiti tankers, this does not in any way change the neutral status of either country. Both the United States and the Emirate of Kuwait are entitled to the freedom of navigation in the Persian Gulf, unless a formal blockade exists. As we know, it does not.

There is no indication that the United States is threatened with imminent conflict in the Persian Gulf, nor has the United States injected itself into the Iran-Iraq war. Our attempt to buy back American hostages from Iran was a misguided but good-faith efffort which made no major contribution to the Iranian war effort. The intelligence we provided to Iraq was an isolated incident which did not change our neutral status in international law. Iran has not declared war on the United States. Iraq has not declared war on the United States. We are not involved in hostilities in any way with either of those two adversaries.

The United States is entitled, under international and domestic law, to have its warships patrol the high seas, the Gulf of Oman, and the Persian Gulf. Freedom of navigation is applicable in international law to all three areas. The United States has the legal right to place its flag on foreign ships, just as the Soviet Union has the legal right, for whatever purposes, to allow Kuwait to charter three of its oil tankers flying the Soviet flag.

With all due respect to the distinguished senior Senator from Rhode Island, and my other colleagues who are concerned that the war powers resolution has not been invoked, I would like to ask them if they believe that the President of the United States should be required to invoke the War Powers Act every time a U.S. warship leaves a United States or friendly port and puts to sea? Last Thursday, May 21, we passed by a vote of 91 to 5 the supplemental appropriations amendment No. 209 which clearly incidated a proper Senate concern over the situation as it now exists in the Persian Gulf. This is different, however, than taking the position that the administration has violated the provisions of the war powers resolution.

The war power resolution does not require implementation every time the United States engages in an act of self-defense. This is true in law, and it is validated by past history. We do reserve the right to defend our naval vessels is any of them are subject to unprovoked attack. But this is not the same as saying that the United States is engaged in hostilities in a combat zone. The questions of whether or not a United States naval escort will be provided for Kuwaiti tankers flying the American flag, whether carrier-based United States fighters will provide a protective umbrella for those tankers, whether AWACS reconaissance planes will be involved in searching skies for possible attackers, or what the United States response will be in the event of an Iranian attack upon United States- flag ships or aircraft are proper questions to consider. These very issues have been raised in the leadership's supplemental appropriations amendment No. 209 and properly so.

In conclusion, Mr. President, the war powers resolution does not apply in law or in fact to the decision to continue the presence of United States ships in the Persian Gulf or to allow 11 Kuwaiti tankers to fly the United States flag. The current situation in no way is similar to the conditions in Lebanon which inspired the "multinational force in Lebanon resolution" of November 22, 1983 or the sense of the Congress resolution of October 12, 1984, on El Salvador.

Last Thursday's leadership amendment No. 209 is letter suited to the present situation in the Persian Gulf than the War Powers Act approach. It has already raised the question of the extent of cooperation by our allies in protecting the open seas. It requires the President to submit to the Congess a threat assessment for that region, to identify the rules of engagement under which the U.S. Navy and airforce are now operating in the gulf area, and to indicate any cooperative agreements or arrangements with our European allies with respect to the security of the Persian Gulf. This comprises, in effect, the very consultation which the war powers resolution requires and avoids the other complicating aspects of that act. The resolution of the Senator from New York is a logical extension of this argument.

I personally believe, Mr. President, that the war powers resolution places unconstitutional restrictions upon the Chief Executive in his conduct of foreign policy and on his duties as the main official responsible for U.S. national security. But that aside, to attempt immediately and consistently to apply the war powers resolution every time the United States dispatches its Armed Forces anywhere in the world, even as a matter of routine, or whenever the United States exercises its right to engage in the freedom of the seas, is bad strategy and bad policy. Reacting to a specific threat of military attack is one thing. Overreacting on the basis of partisan politics is quite another. The President deserves our support in this difficult situation. We should be with him and not

against him for the good of the Nation.

Mr. JOHNSTON. Mr. President, let me state, first, that this amendment, if adopted, I am informed, would cause a veto of the entire bill. Let me repeat that: This amendment, if adopted, would cause a veto of the entire bill. For that reason and the reasons I will state shortly, I will move to table this amendment, even though Chief Seguator from New York is a great and valued friend and Senator.

Mr. President, the genesis of the importance of the Persian
back many, many years. As long as 15 years ago, in the Senate Energy Committee, we discussed the importance of the Persian Gulf. I remember that it was Senator Jackson—the late, great Senator Scoop Jackson—who pointed out the vital nature of the Strait of Hormuz; and we discussed at great length the question of whether or not the Strait of Hormuz could be bottlenecked by virtue of sinking ships in it. As an aside, I might say that we determined that that probably could not happen.

Mr. President, the whole Nation knows about the vital nature of the Strait of Hormuz and of the Persian Gulf. For that reason, for over a decade, we have had ships and aircraft carriers in the Mediterranean and in the Persian Gulf, asserting our very strong and vital interests. It is safe to say that if we have vital interests anywhere in the world, it is in the Persian Gulf.

If we say that we will not go into the Persian Gulf, that we abjure any intention to go into the Persian Gulf, then we might as well resign from the list of superpowers; because, to be a superpower, to be the leader of the free world, entails not only the status of superpower but also the responsibility of superpower. The responsibility of superpower and of the leader of the free world says, No. 1, that you protect your vital interests, you assert those vital interests.

Mr. President, I do not know precisely how we should assert our vital interests in the Persian Gulf. I do not know whether the *Stark* should have been where it was, with the equipment and weapons it had, whether that equipment or those weapons were used properly. All of that shall await, first, further investigation and, second, a determination by the Commander in Chief and the Department of Defense, who, after all, must manage these matters on a day-to-day basis.

But, Mr. President, to adopt this amendment would say in effect that we are resigning from the Persian Gulf or at least that the Congress of the United States is going to micromanage our involvement in the Persian Gulf, and for that reason, Mr. President, the President of the United States has said, and I think properly said, that he would veto this amendment.

Just why is it that we would put Kuwaiti tankers under the American flag. I can tell you the way this thing came about, Mr. President, was that the Kuwaits sent in a request to us months ago and asked would we allow their shipping to come under the American flag? Frankly, our Maritime Administration, our officials were very slow to reply. Some third level functionary in that Administration said we will send it along to the proper authorities, and for months that request to put their ships under the American flag languished.

But, Mr. President, soon the Kuwaits got the idea that we were not going to take any action. So do you know what they did? They asked the Soviet Union if they would protect Kuwaiti shipping. The answer came back promptly without qualification, without equivocation: "Yes," the Soviet Union said, "we will protect your shipping." It was then that the administration, our State Department, or Defense Department, recognized what was involved.

It was a question of would we resign from the Persian Gulf and leave it to the Soviet Union or would we assert ourselves? And the answer was, yes, that we would assert ourselves by putting this shippping under the American flag.

Does it involve risk? Yes, indeed. Does it involve inequality of risk in the sense that some of those who have their shipping protected such as the Japanese and the Europeans are not taking a proportionate part of the protection role? The answer is, yes, it probably does have that inequality.

But it also has this aspect, Mr. President, that if we pull out under some kind of congressional mandate then the Soviets move in. The Soviets would be able to achieve in one grand absence by the United States and a great act of inactivity by the United States what they have been trying to achieve in the Persian Gulf for years and years, and that is to get a strong toehold of influence, probably get bases along with it, and demonstrate graphically to all those members of the Persian Gulf, No. 1, that the predominant power is no longer the United States, that it is the Soviet Union; No. 2, that you cannot count on the United States to protect your interest; and No. 3, that you better do business with the Soviet Union and not the United States.

It is as simple, it is as clear as that, Mr. President.

Unfortunately, being the leader of the free world and being a superpower involves some risks, some expense, and it involves occasionally an act of some daring, an act of some courage.

I do not know whether putting Kuwaiti shipping under the American flag is exactly the appropriate way to assert American presence in the Persian Gulf. I can tell you this: if the Congress comes along and tells the President that he cannot, in effect, be in the Persian Gulf except under very carefully worked out conditions that probably would never come about, such as having the other countries also do their part, an equivalent guarantee of the maritime security by the NATO Allies and Japan—and by the way, an equivalent guarantee by Japan would probably violate their constitution—it would mean, in effect, that we stay out of the Persian Gulf.

So, Mr. President, for all those reasons and many more, but first of all, the threshold reason for tabling this amendment is that the President would veto this whole bill. All of the urgency of the bill would go down the drain if we adopted the amendment. So therefore, I move to table the——

Mr. HATFIELD. Will the Senator yield for just 1 minute before he makes the motion to table? The Senator from Indiana had alerted the floor from my side that we wanted to make a few remarks on this before the tabling motion was made.

Mr. JOHNSTON. Mr. President, I certainly want to yield to the distinguished Senator but I wonder if I could yield after this request. I ask unanimous consent that I be again recognized at the conclusion of his talk so that I may make the motion to table, because this is the kind of amendment that could provoke endless debate and the motion to table will be made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. D'AMATO. Mr. President, for purposes of an inquiry, I ask that the Senator from Louisiana at least withhold his motion to table and give me an opportunity to make some clarifying points because it certainly was not this Senator's intent nor does this amendment move the United States out of the gulf region. I would ask that the Senator give us that assertion before he makes his motion to table.

Mr. JOHNSTON. Mr. President, the Senator from New York has been succinct and always courteous and considerate on the floor, so I will not press the point of a motion to table at this time. I know he will be succinct so I will not press that motion.

The PRESIDING OFFICER. The Senator withdraws his unanimous consent request.

The Senator from Indiana [Mr. LUGAR] is recognized.

Mr. LUGAR. Mr. President, I thank the Chair.

I appreciate the remarks made by the distinguished Senator from Louisiana who has certainly expressed very eloquently our strategic purpose in the Persian Gulf region. Let me supple-

ment those thoughts with those of my own.

I have been outspoken on the request of the administration to consult promptly with the leadership of Congress and, for that matter, with relevant committees of Congress. I believe that it certainly is an open question as to whether the War Powers Resolution applies. In my judgment, because American servicemen would be in imminent danger, it appears to me that the War Powers Resolution does apply. But I also have suggested that there are ways and means in which the administration might bring about that consultation procedure. And from time to time I and others—this is not an original suggestion—have thought that the administration and the leadership of Congress ought to set up regular consultation pattern so that those leaders know who they are and that the adminstration and the Congress know the times in which they ought to be getting together without fanfare and without a crisis on each occasion.

I hope that will occur. I believe that it will.

I point out, Mr. President, this particular crisis comes about largely because of attention focused on the gulf.

The administration, commencing in December, has been reviewing our policy in the gulf. The administration, I think quite rightly, came to the conclusion that many Arab States had lost confidence in the United States of America, worse still that the Iranians were again gaining dominance in the region, and that the end of a war which brought victory by Iran and the fall of many friendly Arab States would be a catastrophe for the West.

As a result, the administration has been active in trying to bring about circumstances whereby other nations might have confidence in us.

Mr. President, that came about in several ways, but principally after we learned that the Kuwaitis had sought assistance from both the Soviet Union and ourselves and worse still that the Soviet Union had granted the Kuwaitis assistance. At that point, we knew that we had a very substantial problem in January.

Mr. President, why would the Kuwaitis ask for assistance? For obvious reasons. They have been fired upon, that is, their tankers had been attacked on many occasions, by Iran. It has been in the interest of Iran to get Kuwait out of any tilt toward Iraq and certainly the tilt was there on the part of the Kuwaitis.

In January, the United States came to a conclusion that we ought to offer protection to that shipping, not only to Kuwait but to other shipping in the gulf; that it would be a catastrophe for us and for our allies if we were to be denied those energy resources, quite apart from the destabilization of the region.

Therefore, I submit, Mr. President, that what is occurring in the gulf now is not new. It has been in process since at least January.

What is new is the announcement that may have come to public attention because of the attack on the *Stark* that we are planning to take on these Kuwaiti tankers with the American flag. Now, Mr. President, that is something that is still to come about. That has not yet occurred.

I would simply point out for the benefit of all Members that this is a good time to have a conversation about the stipulations. To be very blunt, Mr. President, our allies, especially our maritime allies, such as Great Britain and France and, for that matter, the Netherlands and others, have a great stake in the Persian Gulf. Consultations ought to proceed with them. And I am advised by the administration that they are proceeding with those consultations as to the roles they ought to play.

Furthermore, Arab States that surround the Persian Gulf have a very great stake in their own survival. Consultations ought to take place with them promptly on ways in which their security might be enhanced.

We have not transferred flags at this point. We have not pinned down all four corners of the deal. And the negotiations with the Europeans or with the Arab States are to proceed because we have not made the transfer of the flags. And I think that is important for all Americans to understand. We would be providing security for shipping. We continue to do that.

Mr. President, with regard to the specific amendment offered by the distinguished Senator from New York, it would require that there be a reciprocal number of transfers of flags. And he mentions Japan specifically and other allies.

I would point out, technically, with regard to Japan, my understanding of the constitutional situation in Japan is that they could not make that kind of a transfer. One of the requirements for winding up World War II and for the post-World War II period was to allow the Japanese to impose upon themselves some limitations with regard to military obligations. So I think, technically, that is not possible for the Japanese.

But let me point out, Mr. President—I do not do this to ridicule the amendment, but just as a matter of fact—there are only some 20 Kuwaiti tankers; 11 of them are active in the Persian Gulf in bringing about the shipping of oil. Those are the 11 that we have chosen to bring under our protection. The others are not.

If one were to get into reciprocity, you run through the entirety of the stock of tankers and include those that are not even in operation in a desire to bring about a degree of equity. On the face of it, the amendment is deficient for lack of recognition, I think, of the number of tankers involved and what is technically possible under the Japanese Constitution.

Let me say, furthermore, that imposing limits of 30 days and 60 days on the administration is micromanagement with a vengeance. And since the shift of the flags has not occurred at all and may not occur for the next 30 days and may not occur for the next 60 days, it will occur, in my judgment, after satisfactory arrangements are made with participation by the allies who have a stake and by the Arab States who surely have a stake, and after full consultation with the Congress.

So I would propose, Mr. President, that the words of the distinguished Senator from Louisiana be listened to on this subject. It appears to me that the amendment does not have merit, despite the earnest attempt by the distinguished Senator from New York to get the attention of the administration to call for consultations, as many of us are doing, and as we are assured that we are going to have consultation and a very great deal of it. But the specific remedies offered, it seems to me, are deficient on their face. I share the viewpoint of those who will support tabling of the amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, I rise in support of the proposal to table this measure, which is certainly well intended and thoughtful. But it seems to me to be very much against the interests of the United States and of the free world as we properly describe it.

Mr. President, if we wish the Persian Gulf to become a Soviet lake, that fact of geopolitics, that irreversible fact of geopolitics, is upon us at this hour. The Soviets have, with astonishing dexterity and deftness, moved in on Kuwait, now head of the Islamic Conference, and offered to protect Kuwait against its non-Arab neighbor, the massive state of Iran. The workers in the oil fields actually are Arab in Iran but the nation, of course, is not. Iran is a Shiite nation whereas Kuwait is predominately a Sunni nation. And now, the Kuwaitis have responded to the Soviets as never before in their history.

The distinguished Foreign Minister of Pakistan was in this Capitol not a week ago and spoke with a number of us on the Committee on Foreign Relations and the Armed Service Committee. He described things about which I think his confidences should be kept, but his purposes should be understood. They are alarmed at the Soviet penetration of the Middle East. They

see it as directly affecting their capacity to support the mujahideen in Afghanistan. They see the possibility of being outflanked completely and the United States being effectively excluded from the region.

I need not remind my distinguished friend, the Presiding Officer, that Aden, the British protectorate which defined east of the Suez for a century and more in world politics, has fallen to a pro-Soviet, Soviet-supported, Soviet-maintained regime that, in effect, approaches the Persian Gulf.

I repeat, Mr. President, the distinguished and learned Senator from Louisiana has stated this case very well, but I would like to add the Afghanistan dimension, the Pakistan dimension, the Islamic Conference dimension. And, I repeat, if you would like to see the Persian Gulf become a Soviet lake, here is the place for the United States Congress to commence that process.

I thank the Chair for his courtesy.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

Mr. D'AMATO. Mr. President, I intend to ask unanimous consent that the amendment be withdrawn. But, before I do, I feel compelled to make several observations.

At no time and in no way does this amendment indicate that the United States should abdicate its responsibility or its role in the Persian Gulf. That just simply is not the case. I wonder how it is, when an attack made by the Iraqis on the U.S.S. *Stark*, flying our flag, a naval ship of war, how we can make the quantum leap from that kind of an attack by the Iraqis that if we flag the Kuwaiti ships somehow, miraculously, we are demonstrating our strength and that we are calming the troubled waters down. I do not think we are doing that. I think we are exasperating the situation.

I wonder if we are not saying that this flag becomes—our great flag, the flag that we love, that stands for this Nation, the pride, the sacrifice—now it is somehow the flag of convenience. The flag of convenience. Give it to the Kuwaitis so that maybe they will not call on the Russians, the Soviets.

I am not asking that we abandon our commitment to this region. What this amendment did seek and does seek to do was to say that we want those who have an equal stake to share in the responsibility.

Yes, we are the superpower, but I wonder if this is the way to go about it, by placing our great flag on Kuwaiti ships, or, for that matter, who else after this?

Mr. President, I ask unanimous consent that my amendment——

Mr. MOYNIHAN. Would the distinguished Senator yield for one thing before he proceeds?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. Mr. President, I would like to advise my able friend from New York that I spoke as I did and meant what I said. I spoke with the thought of what message such an amendment would send, not the substance. The substance is one on which persons of generally common views can have somewhat different positions.

Mr. D'AMATO. Mr. President, I ask unanimous consent that my amendment be withdrawn and I advise that I will offer a resolution at a later time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? Without objection, the amendment is withdrawn.

Who seeks recognition?

Mr. JOHNSTON. Mr. President, I will reiterate, and I think this is the fourth time, that the list of amendments is quickly running down and that we are ready to do business. The Senator from New York will have his amended resolution very soon, which I expect we will be able to adopt without debate. If anyone has an amendment, here is his last chance to submit it.

I see the distinguished Senator from North Carolina ready at this time, so I will yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

AMENDMENT NO. 229

Mr. HELMS. Mr. President, I call up my amendment No. 229 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself, Mr. SYMMS, Mr. WALLOP, Mr. GARN, Mr. HUMPHREY, Mr. MCCLURE, and Mr. HATCH proposes an amendment numbered 229.

On page 16, at line 3, insert before the period the following: "of which $5 million shall be available only for continuing the previously authorized retrofitting of stockpiled Minuteman III Inter-Continental Ballistic Missiles (ICBMs) into existing Minuteman II ICBM silos".

Mr. HELMS. Mr. President, I thank the clerk for reading the amendment. I would note that this amendment is cosponsored by the distinguished Senator from Idaho [Mr. SYMMS], the distinguished Senator from Wyoming [Mr. WALLOP], the distinguished Senator from Utah [Mr. GARN], the distinguished Senator from New Hampshire [Mr. HUMPHREY], the distinguished Senator from Idaho [Mr. MCCLURE], and the distinguished Senator from Utah [Mr. HATCH].

Mr. President, this amendment is intended to assure the continuation of a program that is essential to the defense of the people of the United States. I am referring to retrofitting 100 stockpiled, MIRV'd Minuteman III missiles in existing single-warhead Minuteman II ICBM silos. I have checked with the administration. I am informed that there is no opposition whatsoever from the administration to this amendment.

I would remind Senators that the present ICBM force structure consists of 450 Minuteman II's deployed, 536 Minuteman III's, and 14 MX's deployed, for a U.S. total of 2,198 ICBM warheads. This compares with a Soviet deployment of 6,500 to 8,000 ICBM warheads.

When we began the deployment of the Minuteman III's, the original intent was to complete deployment at the level of 1,000. By 1975, 550 Minuteman III's had been retrofitted into Minuteman II silos, and it was necessary to stockpile more Minuteman III's for retrofitting. One hundred had been stockpiled before the Carter administration stopped the production of Minuteman III's and broke up the machine tools and production lines in 1978 in anticipation of SALT II.

In 1979, the Soviets invaded Afghanistan, and the Senate Armed Services Committee declared that SALT II was "not in the national security interest of the United States."

The 100 Minuteman III's are still stockpiled. In 1980, Congress in the fiscal year 1981 defense authorization bill authorized the retrofitting of the 100 stockpiled missiles into the Minuteman II silos. In 1981, $5 million was appropriated by Congress to begin this retrofitting. A total of only $50 million would have been required for the complete retrofitting of the stockpile. Most of the $50 million, however, was intended to install so-called functionally related observable differences [FROD] required under SALT II to differentiate MIRV'd Minuteman III silos from non-MIRV'd Minuteman II silos under SALT II counting rules. The FROD's involved were for distinctive antennas, which are now no longer necessary now that SALT II is dead, and can be eliminated, saving considerable funding.

Mr. President, the retrofitting program moved forward in 1981, and in 1982 the Air Force requested $20 million more out of the total of the $45 million additional funding that was necessary for the whole project. However, the Soviet Union complained to the United States through diplomatic channels that actual United States retrofit of any of these 100 stockpiled Minuteman III MIRV'd ICBM's would place the United States in violation of the unratified SALT II treaty by 1985. I am bound to observe, Mr. President, in light of all the Soviet violations of the treaties, look who is talking. Nevertheless, the administration stood by its request to continue the retrofit. Unfortunately, Congress decided not

to fund the program for fiscal year 1983.

Now, however, it is exactly 1 year since, on May 27, 1986, the administration decided to end its unilateral compliance with the unratified SALT II treaty. That decision was based on 22 separate Soviet violations of SALT II confirmed to the Congress by the President. Therefore the only reason for delaying this retrofit is finally gone.

Mr. President, my amendment does not cost any additional funding under this bill. It merely fences $5 million of Air Force operations and maintenance funds to continue a program previously requested by the Reagan administration and authorized and appropriated by the U.S. Congress.

Upon completion of the retrofitting, the U.S. force deployment will have 200 net additional warheads, for a total of 2,398 U.S. ICBM warheads. This is an extremely modest increment, in light of the Soviet force structure of 6,500 to 8,000 ICBM warheads. It would cost billions of dollars to start up the Minuteman III production line and build new ICBM's; but for very modest funding we can deploy these 100 stockpiled ICBM's and make sure that they can be used to improve significantly our deterrence of any attack on the American people.

Mr. President, I urge my colleagues to vote in favor of this amendment. There are several reasons.

First, the United States is no longer unilaterally complying with the unratified and expired SALT II Treaty, which the President has confirmed to Congress that the Soviets had previously violated in 22 instances.

Second, this amendment would resume a process of retrofit that would add 100 MIRV'd Minuteman III ICBM's to the American retaliatory force, for the very low cost of only $50 million. This would be the lowest cost strategic deployment by far in the history of American strategic deterrent forces. The cost would be only about $250,000 per additional deployed warhead, compared to about $43 million per deployed MX ICBM warhead, about $10 million per deployed B-1B bomber warhead, and about $8 million per deployed Trident warhead. If the SALT FROD antennas were not added to each silo, then the cost could be considerably less than $50 million and considerably less than $250,000 per additional deployed warhead.

With that, Mr. President, I rest my case. If the United States Senate will not vote to continue a previously requested, previously authorized, and previously appropriated United States strategic deployment program that is extremely cost-effective and militarily effective but that was delayed only because of United States unilateral compliance with the unratified, expired, and Soviet-violated SALT II Treaties, then unilateral disarmament has truly become the rule in the United States Senate. I pray that that is not the case.

I do not believe that the people of this country want the United States Senate to embrace United States unilateral disarmament, especially in the face of Presidentially confirmed Soviet breakout violations from SALT I, SALT II, and from the ABM Treaty itself.

Mr. President, this vote is an important signal of our will or our lack of will to defend this country and its people. It is crucial that the Senate vote to support this extremely cost-effective deployment which will bolster the U.S. strategic deterrent posture.

Mr. President, I yield the floor.

(Mr. LAUTENBERG assumed the chair.)

Mr. HATFIELD. Mr. President, I wish to observe, first, and I say to the Senator from North Carolina I am not suggesting that there is any virtue in being consistent in this particular environment we work in. But I would say that, earlier this afternoon, the comanager of the bill, the Senator from Louisiana [Mr. JOHNSTON], suggested the possibility of raising the Nunn-Levin arms control amendment on a vehicle that was then pending on the floor. He inquired as to my reaction to that possibility and I suggested that the arms control question should not be argued or debated on this legislative vehicle, a supplemental appropriation.

First, we could make a technical challenge that it does constitute legislation on an appropriations bill and such matters. But I do feel that having responded to the Senator from Louisiana in that vein, indicating my opposition to using this vehicle for that particular subject, I said that I would move to table that proposal if offered by the Senator from Louisiana. Again, I emphasize consistency is not necessarily a virtue, but I am going to be consistent and say to the Senator from North Carolina, without any bias or prejudice directed to his proposal—although I would probably not support it—I am going to move to table the amendment offered by the Senator from North Carolina.

I shall withhold for a moment.

Mr. BUMPERS. Will the Senator allow me 2 or 3 minutes to comment on this amendment?

Mr. HATFIELD. I shall be happy to if the Senator from Arkansas will yield for the purpose of my asking unanimous consent to yield for 3 minutes and then have the floor to make my motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I thank the distinguished Senator from Oregon for yielding to me. I say first of all, even the Air Force is opposed to this amendment. For people who might be inclined to go along with this under some misguided notion that it improves our strategic security, bear in mind that the Air Force opposes it.

First, they are stridently opposed to taking the $5 million from Operation and Maintenance to do this. They say, to use their quotes, "It is of marginal benefit."

But just to give some idea of where this kind of amendment takes us, if you take a little over 100 Minuteman III's that we have in inventory that we use for flight testing—we use 7 a year. The Soviets have an even more dramatic flight program. But you are going to be taking away 14 years of Minuteman III missiles that we would normally use for flight testing, that we need and that the Air Force wants.

Second, you are going to add 200 warheads to our arsenal. You are going to take out 100 Minuteman II's with one warhead each and replace them with 100 Minuteman III's with 3 warheads each, so your net gain is 200 warheads.

The Soviet Union can respond in either of two ways. They can either take SS-19's, and they probably have 100 in reserve for their flight testing program. They can put 100 SS-19's with 6 nuclear warheads in their SS-11 silos and they get a net increase of 500 warheads by deploying an additional 100 missiles to replace 100, just as we are doing.

Or if they want to, just to punish us for this sort of thing, they can take their new SS-24 with 10 warheads each, which they are ready to deploy, and they would add a net of 900 warheads.

The Air Force, the Arms Control and Disarmament Agency, and everyone else will tell you that despite what are admitted Soviet violations, they are scrupulously complying with the sublimits of the SALT II Treaty. One of those sublimits is 1,200 MIRV'd missiles. This amendment right now is not something the President has chosen to do. The President says he is going to trash SALT II, admittedly, but he is doing it by equipping 30-year-old bombers with cruise missiles, which puts us over the 1,320 limit of all MIRV'd weapons. But with the sublimit of 1,200 MIRV'd missiles, we are still at 1,190 so we are still under the 1,200 limit.

Who has pleaded with this body and with Congress not to interrupt the President's plans for further negotiations and hopefully some kind of arms control agreement? The President has. He has said to people like me, "Don't interfere with our efforts." On the other hand, what he is saying to us is, "Don't try to keep me from going over the sublimits of SALT II."

I feel certain the President would be just as opposed to this by dictating how we are going to violate SALT II.

Mr. President, this is wrong by any measure you want to put on it. The Soviets can respond in two ways, in a much more dramatic way than this. I ask you, who here is going to sleep better tonight knowing that we are going to put another 100 Minuteman III's in silos and increase the number of warheads that we have from 13,000 to 13,200? The Soviet Union will increase from 13,000 to 13,500 or maybe even 14,000. It is palpable nonsense and I hope it will be tabled, Mr. President.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator from North Carolina may have 2 minutes to respond to the Senator from Arkansas upon the completion of which I shall make my motion to table.

Mr. JOHNSTON. Mr. President, reserving my right to object, this will be the last debate before the Senator will make his motion to table?

Mr. HATFIELD. I hope it will be, Mr. President, I have no other requests, but I have always been reluctant to make a motion to table when there is a Senator present who wants at least to be heard briefly on a matter of great interest. I yield for that purpose to the Senator from Arkansas. The author of the amendment, I believe, deserves rebuttal for at least 2 minutes.

Mr. HELMS. Would the Senator make it 3?

Mr. HATFIELD. Three minutes.

Mr. JOHNSTON. Mr. President, not to object, but I simply want to point out that we are getting close to third reading. I see only an amendment or two after this. I certainly would want the Senator from North Carolina to be able to respond. So I will not object.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, as respectfully as I know how, I want to say to the Senator from Arkansas, tell it to the Soviets. The problem is theirs in terms of their violations. That is precisely the point.

The deployment of more than five SS-24 rail-mobile MIRV'd ICBM launchers in violation of the SALT II sublimit of 820 MIRV'd ICBM launchers was confirmed to President Reagan in Iceland on October 11 of last year, confirmed by Gorbachev. Moreover, the Soviets are reportedly flight testing an even heavier throw-weight follow-on to the superheavy SS-18 ICBM, which the Senator mentioned, in violation of the SALT II absolute ceiling on SS-18 throw-weight.

Now, Mr. President, I ask unanimous consent that the presidentially confirmed expanding pattern of Soviet SALT II breakout violations, a total of 22 of them, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I will say further and in conclusion, this is sort of a put-up-or-shut-up amendment. All of us go home and tell the American people we want to defend them, their lives, their liberties. Now, if we are going to let the Soviets race-horse it in terms of violating the treaty and do nothing, then the way for us to proceed is to table this amendment. But if we want to keep faith with the people we tell repeatedly when we are home that we want to protect them, then vote against tabling of this amendment. I yield back the remainder of my time and I thank the distinguished Senator from Oregon.

EXHIBIT 1

Presidentially Confirmed Expanding Pattern of Soviet SALT II Break Out Violations—Total of 22

I. SS-25 mobile ICBM—prohibited second new type ICBM:

1. Development since about 1975;

2. Flight-testing (irreversible) since February, 1983;

3. Deployment since 1985—over one hundred launchers, "direct violation";

4. Prohibited rapid-refire capability—doubles force;

5. RV-to-Throw-Weight ratio (and doubling of throw-weight over old SS-13 ICBM)—probable covert SS-25 2 or 3 MIRV capability—"direct violation";

6. Encryption of telemetry, "direct violation."

II. SNDVs:

7. Strategic Nuclear Delivery Vehicle limit of 2,504—Soviets have long been at least 75 to over 600 SNDVs over the 2,504 number only they had when SALT II was signed in 1979, thus illustrating the fundamental inequality of SALT II.

III. SS-N-23 SLBM:

8. Heavy throw-weight prohibited (conclusive evidence);

9. Development since about 1975;

10. Flight-testing (irreversible);

11. Deployment on Delta IV and III Class submarines;

12. Encryption of telemetry.

IV. Backfire intercontinental bomber:

13. Arctic basing, increasing intercontinental operating capability;

14. Probable refueling probe, increasing intercontinental operating capability;

15. Production of more than thirty Backfires per year for an estimated five years, making more than an estimated twelve extra Backfire bombers;

V. CCD:

16. Expanding pattern of camouflage, concealment, and deception (Maskirovka), deliberately impeding verification.

VI. Encryption:

17. Almost total encryption of ICBM and SLBM telemetry.

VII. Launcher-ICBM Missile Relationship:

18. Reported probable concealment of relationship between SS-24 missile and its mobile ICBM launchers, and concealment of the relationship between the SS-25 missile and its mobile ICBM launchers.

VIII. SS-16:

19. Confirmed concealed deployment of 50 to 200 banned SS-16 mobile ICBM launchers at Plesetsk test range, now reportedly probably being replaced by similar number of banned SS-25 mobile ICBM launchers.

IX. Falsification of SALT II data exchange:

20. Operationally deployed, concealed SS-16 launchers not declared;

21. AS-3 Kangaroo long range air launched cruise missile range falsely declared to be less than 600 kilometers and not counted.

X. Excess MIRV fractionation:

22. SS-18 super heavy ICBM: NIE reportedly says SS-18 deployed with 14 warheads each, adding 1,232 warheads.

Additionally, deployment of more than five SS-24 rail-mobile MIRV'd ICBM launchers in violation of SALT II sublimit of 820 MIRV'd ICBM launchers, reportedly confirmed to President Reagan at Iceland Summit on October 11, 1986, by Soviet leader Gorbachev. Moreover, the Soviets are reportedly flight-testing the even heavier throw-weight follow-on to the super heavy SS-18 ICBM, in violation of the SALT II absolute ceiling on SS-18 throw-weight. This will certainly result in further excess MIRVing of the SS-18. The Soviets reportedly told the U.S. arms negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1200, and 1320, which they are now in the process of doing.

ANTISALT AMENDMENT

Mr. LEAHY. Mr. President, I will support the tabling motion on this amendment my friend from Oregon intends to make.

My staff have just gotten off the telephone with the Air Force about the amendment offered by the Senator from North Carolina. The Air Force strongly opposes this amendment to require it to retrofit 100 Minuteman III ICBM's in Minuteman II silos.

The Air Force now has 16 Minuteman III MIRV'd ICBM's for spares, and 126 for tests. This number includes the 50 Minuteman III's removed from their silos to be replaced by the MX. The Air Force says the requirement in this amendment to deploy 100 of these extra Minuteman III's would cause a halt to the Minuteman test program in about a year. This would halt reliability, accuracy and other tests which are vital to maintain the effectiveness of the Minuteman III force.

In addition, the Air Force says that it does not have sufficient reentry vehicles of the most effective type to place on 100 Minuteman III's. It would be forced to refit many of them with less effective warheads, further reducing the deterrent value of Minuteman III.

The Senator from North Carolina said in his statement that this program would cost some $50 million. The Air Force insists at a minimum, it would cost over $117 million to deploy 100 of its Minuteman III spares and test missiles in Minuteman II silos. This is not cost effective or a sensible use of $117 million. The Air Force would far prefer to use $117 million for needed modernization.

I would also note that this amendment would divert $5 million from funds for operations and maintenance. This means money badly needed for operations and maintenance of equipment and weapons systems would be diverted to deploying missiles the Air Force adamantly opposes.

This amendment makes no sense from a military point of view. However, Mr. President, the fact is that it was never intended to make any military sense. It is yet another attack on SALT, and an opening barrage in the debate to come over the amendment my distinguished colleagues, Senators BUMPERS, CHAFEE, HEINZ, and I intend to offer on the Defense authorization bill to restore U.S. force levels to the three key sublimits of SALT II. The effect, and I believe true purpose of the Helms amendment here, is to put the United States over the SALT subceiling of 1,200 launchers of MIRV'd missiles. The United States is presently at approximately 1,190 MIRV'd missile launchers. The Helms amendment, if enacted, would put the United States at about 1,290, and in excess of yet another SALT subceiling. Thanks to the President's decision last fall, we are now over the 1,320 sublimit.

Mr. President, when the tabling motion is made, I urge the Senate to vote overwhelming for it, and to set aside this amendment.

Mr. HATFIELD. Mr. President, I move to table the Helms amendment.

Mr. HELMS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from North Carolina.

The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

I also announce that the Senator from Hawaii [Mr. INOUYE] absent because of questioning witnesses at Iran Contra hearing.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 32 as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—57

Adams	Dixon	Mikulski
Baucus	Dodd	Mitchell
Bentsen	Durenberger	Moynihan
Bingaman	Exon	Nunn
Boren	Ford	Packwood
Bradley	Fowler	Pell
Breaux	Graham	Proxmire
Bumpers	Harkin	Pryor
Burdick	Hatfield	Reid
Byrd	Heinz	Riegle
Chafee	Johnston	Rockefeller
Chiles	Kassebaum	Roth
Cochran	Kerry	Sanford
Cohen	Lautenberg	Sarbanes
Conrad	Leahy	Sasser
Cranston	Levin	Stafford
Danforth	Matsunaga	Stennis
Daschle	Melcher	Stevens
DeConcini	Metzenbaum	Wirth

NAYS—32

Armstrong	Heflin	Pressler
Bond	Helms	Quayle
Boschwitz	Hollings	Shelby
D'Amato	Humphrey	Simpson
Dole	Karnes	Specter
Domenici	Kasten	Symms
Garn	Lugar	Thurmond
Gramm	McCain	Trible
Grassley	McClure	Wallop
Hatch	McConnell	Wilson
Hecht	Nickles	

NOT VOTING—11

Biden	Inouye	Simon
Evans	Kennedy	Warner
Glenn	Murkowski	Weicker
Gore	Rudman	

So the motion to table the amendment (No. 229) was agreed to.

AMENDMENT NO. 245

(Purpose: To prohibit the use of appropriated funds for the patenting of genetically altered or modified animals)

Mr. HATFIELD, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 245.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. —. Notwithstanding any other provision of law, none of the funds appropriated for fiscal year 1987 shall be used for the purpose of granting any patent for vertebrate or invertebrate animals, modified, altered, or in any way changed through engineering technology, including genetic engineering.

INTRODUCTION OF MORATORIUM ON ANIMAL PATENTING

Mr. HATFIELD. Mr. President, last month a memorandum signed by the Commissioner of the U.S. Patent and Trademark caught the attention of many scientists, environmetalists, policy makers and public interest groups. This one-page memorandum announced the intention of the Patent and Trademark Office to consider proposals to patent certain forms of altered animal species. In short, the April memorandum allows the patenting of genetically-altered animals, and signifies a technological and ethical leap which I believe we are not prepared to take.

Today I am offering legislation to rescind the actions of the U.S. Patent Office. This bill will effectively return to the status quo our policy regarding the patenting of animals by stipulating that no funds shall be expended by the Patent Office for the consideration or granting of patents for technologically altered animals. While I have grave reservations about genetic engineering, I am not addressing such concerns with this legislation. Rather, this bill recognizes that such a monumental decision about the fate of animal life should not be left only to the U.S. Patent Office. Such matters rightly belong in the public arena, where the issue can be discussed among Members of Congress, Industry representatives, the Patent Office officials and other interested parties. To move ahead with consideration of patent applications at this time could unnecessarily expose patent holders to the revocation of their patents, if Congress were to take any action which conflicts with the policy of the Patent Office.

Congress has expressed its concern about the emerging technology of genetic engineering and how that technology should be applied. Since laboratory techniques for manipulating and recombining DNA across species barriers were first developed in the early seventies, questions have arisen: Are we pursuing such technology purely for profit? How can such technology be regulated? Who should control the benefits of such technology? And who will bear the responsibility if mistakes are made?

A few years ago, a prominent scientist discussed with me the ethical issues raised by genetic engineering. He told me that science has only two options when dealing with this new technology: one, to stop research altogether; or two, to discover what science can achieve, and then turn the results over to society to decide if it is to be used. In other words, technology, once discovered, does not require application and implementation.

Mr. President, concerns about the decision to allow the patenting of certain animal species have been expressed by individuals and groups holding vastly different views on the basic issue of genetic engineering. Some believe such action is unequivocally unacceptable, while some believe that this technology can be applied in a beneficial way. Others are undecid-

ed. But they all share apprehension on the animal patenting issue, and I would like to share some of these concerns.

In economic terms the Patent Office decision provides government authority for the genetic manipulation, exploitation and ownership of all animal species. The use, enjoyment and protection of the Earth's creatures, long a public right and responsibility, could be turned over to the private sector. In years to come there could be increasing competition for control and ownership of the gene pool of animal species, creating the possibility of corporate monopoly over the genetic code of animals.

The most immediate economic effect of this policy could be felt in agriculture, where the major chemical, biotechnology and pharmaceutical companies could conceivably position themselves to take over animal husbandry. By patenting genetically-manipulated species, such entrepeneurs could force farmers to pay every time they bred the species or sold part of their herds. America could see the creation of a new form of tenant farming where farmers not only lease their lands, but also their animals.

The effect of species alteration could also impact the delicate balance of the environment. The creation of new species and the effect of their release into the environment cannot be completely predictable, and should be carefully considered. Animals which are larger and have increased reproductivity could alter the depletion patterns of the ecosystem. Also, if the creation of new improved species leads to the popularization of that animal, valuable native gene pools could be lost.

Deep religious and ethical questions also surround the patentability of animals. The new policy creates the need to examine man's right to manipulate and refashion the biotic community to meet his industrial requirements. The patent decision, by encouraging genetic manipulation, could cause extraordinary suffering through the animal world and extend that suffering through generations of the offspring of those altered animals.

What also must be questioned is the use of genetic human traits in animals. The potential for patenting and owning of animals with human traits brings up the ethical dilemma of the potential of the creation of semihuman creatures, which could be patented and sold. And finally, the patenting of animals brings up the central ethical issue of reverence for life. Will future generations follow the ethic of this patent policy and view life as mere chemical manufacture and invention with no greater value or meaning than industrial products? Or will a reverence of life ethic prevail over the temptation to turn God created life into reduced objects of commerce?

I am not a scientist, and certainly reasonable people will disagree with my personal feelings about this issue. But I believe that my legislation is needed now, while we still have the opportunity to debate, consider and possibly prepare for the prospect of the patenting of animals. Congress has not spoken on this issue, and the U.S. Patent Office has derived its position from a Supreme Court decision on microorganisms. Given the serious questions surrounding the April decision, I urge my colleagues to join with me in placing a moratorium on the patenting of animals, and to carefully consider the issue before we allow the marketplace to rush us into a race which could change the quality and character of animal and human life forever.

Mr. President, this is an amendment that has been cleared on both sides. There is not any budgetary or outlay impact.

I have discussed this matter with Senator DECONCINI and Senator HATCH, the chairman and the subcommittee ranking member of the Judiciary Committee, the committee of authorization; Senator HOLLINGS, the chairman, and Mr. RUDMAN, the ranking minority member, on the subcommittee of jurisdiction of the Appropriations Committee, and they have cleared this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Mr. President, the amendment will be cleared.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 245) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

Mr. JOHNSTON. Mr. President, I wonder if the Senator would withhold just for a moment because we have a contentious amendment I think we may be able to get out of the way.

AMENDMENT NO. 246

Mr. President, this involves the Dixon resolution and, on behalf of myself and Senator DIXON and in lieu of the Dixon amendment with respect to CCC shipments and use of Great Lakes ports, I send an amendment to the desk and ask unanimous consent that it be considered under those circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSON) for himself and Mr. DIXON, Mr. PROXMIRE, Mr. RIEGLE, Mr. LEVIN, Mr. SIMON, Mr. BOSCHWITZ, Mr. QUAYLE, Mr. LUGAR, Mr. DURENBERGER, and Mr. GLENN, proposes an amendment numbered 246. It is the sense of the Senate that the CCC in implementing regulations to establish the percentage share or metric tonnage of commodities under subsection B of section 901b (c)(2) of the Merchant Marine Act, 1936 (46 USC 1241fC2B should respect the intent as well as the letter of the agreement entered into by and between the representatives of Great Lakes Ports and Gulf ports, and the Great Lakes Ports be accorded the full proportion of tonnage contemplated thereby.

Mr. DIXON. Mr. President, will my distinguished friend, the manager, the distinguished Senator from Louisiana, yield for a very brief colloquy?

Mr. JOHNSTON. Yes, Mr. President, I will certainly yield.

Mr. DIXON. May I say to my colleague and friend from Louisiana——

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER. Order in the Chamber, please, so we may hear the Senator.

Mr. DIXON. May I say to my colleague and friend from Louisiana, as he knows, I will not offer my amendment that I had previously contemplated offering or, in the event that it is at the desk, and I think it is not, I will pull it down.

May I have the attention of my friend from Louisiana? I see him talking to my friends from Mississippi and Texas who I am sure have joint concerns.

As I understand what my friend from Louisiana is saying is that the agreement entered into last year, after a very contentious dispute and considerable debate that lasted several days, will be honored according to the gentleman's agreement among Senators entered into here at that time. This agreement included the distinguished Senator from Louisiana, the distinguished junior Senator from Mississippi, who I see on his feet, and the distinguished senior Senator from Hawaii. There may have been others involved. I know my colleague, Senator BOSCHWITZ, was involved, I was involved, the Senator from Wisconsin, Senator PROXMIRE, and others.

We are simply saying, "Honor that agreement." Is that essentially it?

Mr. JOHNSTON. Mr. President, the distinguished Senator is entirely correct. There was, in effect, an agreement entered into—specifically, the Senator from Mississippi, Mr. COCHRAN, was the leader of the gulf ports and, I think, the distinguished Senator from Illinois was the leader of the Great Lakes ports. They worked out this language. This simply says that it is the sense of the Senate that this agreement should be adhered to. It does not change or expand that agree-

ment, which was incorporated in the law, in any way. It makes no sense of the Senate that, not even a sense of the Senate, that that agreement be changed, but that it be given life and effect in the implementing of regulations.

Mr. COCHRAN. Mr. President, will whoever has the floor please yield to me?

Mr. DIXON. I think my colleague from Louisiana has the floor.

Mr. COCHRAN. Will the Senator from Louisiana yield to me?

Mr. JOHNSTON. Yes.

Mr. COCHRAN. Mr. President, what disturbs me is an attempt to eliminate from the language of a law that is current law phrases such as "as far as practicable."

What the distinguished Senator I know is not trying to do but may be doing inadvertently is mandating a certain preference for the Great Lakes ports that is not mandated in law for any other port range, either the gulf ports or the east coast or the west coast. And that is what we fought for for hours here during the 1985 farm bill, was that there would be no preference legislated for any port range.

What we are seeing now is a suggestion that there is a preference. This sense of the Senate resolution talks about implementing the full percentage due to the Great Lakes ports, as if that is some kind of a special privilege under the law for that region. And it should not be.

Now, we had seven votes on the floor of the Senate, Mr. President, that clearly put the Senate on record as opposing that kind of mandate. We finally begrudgingly gave in, the Senate did—without my vote, I will have to say—to language that is current law. And now an effort is being made to strengthen that, to express the view of the Senate that the law is not being carried out.

This Senator thinks the law is being carried out as far as practicable. And that is the phrase that is eliminated from the sense of the Senate resolution. I just think we ought to make it very clear that we ought not go on record as a body here directing the Department of Transportation or the Department of Agriculture to give preference to the Great Lakes ports over all the other ports in the Nation. I do not think we ought to do that. I am not going to vote for it. I think we ought to try to work out language that would suit the Senator from Illinois, but I am not going to be a party to an agreement that suggests that the Great Lakes are due any greater right in the allocation of shipping tonnage under the Public Law 480 program than any other area of this country.

Mr. DIXON. Will my friend from Mississippi yield?

Mr. COCHRAN. The distinguished Senator from Louisiana has the floor.

Mr. DIXON. Who has the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. JOHNSTON. Mr. President, I would certainly think that the Senator from Illinois did not intend, nor did I intend, to do away with the requirement for practicality. So I wonder if the Senator from Illinois would agree that in the last phrase we simply insert the words "so far as practicable."

Mr. DIXON. Sure.

Mr. JOHNSTON. So that it would read: "And that so far as practicable Great Lakes ports be accorded the full proportion of tonnage contemplated thereby."

Mr. DIXON. May I say, if I could, to my friend from Mississippi that he should understand that my friend from Louisiana wrote this particular amendment. It was written by him and his staff, not by the Senator from Illinois.

I assure my friend from Mississippi that, while we may disagree on this particular issue, he is my warm friend. I am not trying to do anything that is particularly subtle here. All I am saying is that we would like to abide by the deal we made last year. It was a very contentious dispute and lasted a number of days.

I am not engaging in any subterfuge. I am simply suggesting to the Senator from Louisiana that if he writes some language that he likes and suits me adequately, I will accept it. And that is what I have done. I am not offering my amendment.

Mr. COCHRAN. Mr. President, if the distinguished Senator would yield further, let me say that the additional language that has been inserted in there and the assurance of the distinguished Senator from Illinois, who is my good friend and whom I respect a great deal, convinces me that we ought to go along with this resolution as an amendment to the bill and I will withdraw any objection to it.

Mr. JOHNSTON. I thank the Senator.

Mr. DIXON. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment (No. 246), as modified, reads as follows:

It is the sense of the Senate that the Commodity Credit Corporation in implementing regulations to establish the percentage share or metric tonnage of commodities under subparagraph (B) of section 901b(c)(2) of the Merchant Marine At, 1936 (46 U.S.C. 1241f(c)(2)(B)) should respect the intent as well as the letter of the agreement entered into by and between the representatives of Great Lakes ports and gulf ports, and that, so far as practicable, Great Lakes ports be accorded the full proportion of tonnage contemplated thereby.

Mr. PROXMIRE. Mr. President, I rise in support of the Senator from Illinois and his attempt to obtain equity for Great Lakes shipping. When the Senate debated the farm bill in 1985, Great Lakes Senators were promised that our share of Federal cargo under the Food for Peace Program would not decline from the level reached in 1984 and 1984 was not a very good year for Great Lakes shipping. Yet despite these assurances the set-aside does not work.

Instead of considering our needs on an equal basis with those of the other coasts, the Commodity Credit Corporation puts the Great Lakes set-aside at the bottom of their list when computing cargo preference shares. Instead of insuring that we get what we are promised in 1985 the Department actually diverts cargo sitting in Great Lakes ports to the other coastal ranges, ruining our business and imposing significantly higher costs on the Treasury.

Mr. President, this amendment doesn't change existing law but it makes sure that the law is enforced as Congress intended. With current USDA practices the Great Lakes ports won't get even the tiny share of Food for Peace cargo we were promised. If the CCC waits until 3 months into our naturally short shipping season to allocate even small amounts of cargo to our area, we lose out. While supporters of the status quo counsel patience we get no work. Our ports can't make up an entire year's worth of cargo if our entire set-aside is pushed into the final months of our season.

Mr. President, the Food for Peace Program is almost the only cargo that many of our ports handle. Because of current USDA practices some of the Great Lakes ports have gotten nothing at all in the first 3 months of our 8½ month season. Their dependent industries may go out of business before the CCC allocates anything to them this year. I urge my colleagues to support this modest effort to provide us with what we already thought we had. We are not violating any agreement we made in 1985. No way. We just want what is rightfully ours.

This amendment should not take cargo away from other ports since it merely affects the way in which our share gets calculated. Under its terms the Great Lakes set-aside would be figured on a prorated basis linked as practicably as possible to our shipping season.

Mr. JOHNSTON. Mr. President, I believe all parties are now in agreement on this sense of the Senate amendment. Therefore, I urge its passage.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 246), as modified, was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 247

(Purpose: To provide a rural focus and funding for the National Commission on Agricultural Policy and funding for the National Commission on Agricultural Finance)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 247.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place, insert the following new section:

SEC. . (a)(1) Subtitle C of title XVII of the Food Security Act of 1985 (7 U.S.C. 5001 et seq.) is amended—

(A) by striking out "National Agricultural Policy Commission Act of 1985" each place it appears in the subtitle heading and section 1721 (7 U.S.C. 5001) and inserting in lieu thereof "National Commission on Agriculture and Rural Development Policy Act of 1985"; and

(B) by striking out "National Commission on Agricultural Policy" each place it appears in sections 1722(1) and 1723(a) (7 U.S.C. 5001(1) and 5002(a)) and inserting in lieu thereof "National Commission on Agriculture and Rural Development Policy".

(2) Section 1727 of such Act (7 U.S.C. 5006) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Agriculture shall provide funding for the Commission by selling a sufficient quantity of commodities owned by the Commodity Credit Corporation to enable the Commission to carry out this subtitle.".

(b) Section 505 of the Farm Credit Amendments Act of 1985 (12 U.S.C. 2001 note) is amended by adding at the end thereof the following new subsection:

"(f) The Secretary of Agriculture shall provide funding for the National Commission on Agricultural Finance by selling a sufficient quantity of commodities owned by the Commodity Credit Corporation to enable the Commission to carry out this section.".

Mr. DOLE. Mr. President, this amendment would fund two commissions, one established in the 1985 farm bill which would be renamed to better reflect its mandate and a second which passed as part of the Farm Credit Amendments Act of 1985.

We had a couple of commissions that I think were important. One was on farm credit. The other was a national commission suggested by the National Governors Association, which passed in our committee by a vote of 17 to 0 and it passed on the Senate floor without any objection. But they have not been funded. We would fund these committees with the sale of CCC stocks and we are advised by CBO there is no cost. We are talking about funding two commissions.

NATIONAL COMMISSION ON AGRICULTURAL POLICY

The 1985 farm bill established the National Commission on Agricultural Policy. The Commission would be composed of 15 members, designated by Governors of key farm States and appointed by the President. The Commission received unanimous, bipartisan support from Senate Agriculture Committee members during the farm bill deliberations, has been endorsed by the Republican Task Force on Farm and Rural America and was recently endorsed by the White House during the meeting of the National Governors Association in Washington.

Our intent in establishing the Commission was to give the decisionmaking process in Washington some much-needed grassroots input over the long term by reviewing U.S. agricultural policies and the methods of formulating these policies and to review conditions in rural areas and how these conditions relate to the provision of public services by Federal, State, and local governments.

As my colleagues know, there has been considerable interest in rural development and a strong consensus that greater emphasis needs to be placed on rural development. In addition to requiring the Secretary to sell CCC-owned stocks to finance the Commission, my amendment would also rename the Commission to reflect its dual role. The new name would be "the National Commission on Agriculture and Rural Development Policy," and would highlight our renewed focus on the importance of healthy small towns and rural communities.

NATIONAL COMMISSION ON AGRICULTURAL FINANCE

The National Commission on Agricultural Finance, composed of seven members appointed by the President and eight members appointed by Congress, was established during the Farm Credit Amendments Act of 1985 to review and make recommendations to ensure that adequate credit is available in rural America. This Commission would look at farm credit needs on a long-term basis. We are all aware of how important this issue is. We've dealt with the problems of the Farm Credit System twice within the last 2 years and the problem will need to be readdressed again this year.

I understand the Agricultural Finance Commission has met once this year, but its future is cloudy without proper funding.

CONCLUSION

Mr. President, in order for these Commissions to function at all, they will need to be funded. They both received broad bipartisan support when Congress developed the respective bills including their establishment. Yet, although 2 years have passed, they are still not functioning due to a lack of funds.

My proposal to finance these Commissions through the sale of CCC-owned stocks will not cost the Government any money. I am told that selling CCC-owned commodities on a limited basis would actually result in a net receipt to the Government since these stocks would be sold on a limited basis that would not affect market prices. It would also save the storage costs from not having to store these commodities. I would point out that CCC will be spending over $10 billion in storage costs alone between fiscal year 1987-90.

I would urge my colleagues to support the amendment.

Mr. JOHNSTON. Mr. President, with apologies to the distinguished Senator from Kansas, I am advised by staff that we have some problem clearing this matter or that it has not yet been cleared. I apologize for that. I wonder if we could temporarily lay this aside and try to get it cleared in the meantime.

Mr. DOLE. Let me just leave it pending. I may not be able to be here in the morning. I have a meeting now in Senator BYRD's office. But if it should be cleared, it could be disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that Senator LEVIN may be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

MOTION TO RECOMMIT

Mr. LEVIN. Mr. President, on behalf of myself and Senator GRAMM of Texas, I move to recommit the bill, H.R. 1827 as amended by the Senate to the Committee on Appropriations with instructions that the committee report said bill back to the Senate with such changes as may be necessary as to make title I, which is the discretionary expenditure title, deficit neutral, including deletions of programs, reductions of programs, rescissions or deferrals provided that, however, if the committee finds that it is unable through such measures to bring this bill into compliance with the Budget Act of 1974, as amended, that the committee urge the Senate upon reporting the bill back to the Senate to consider legislation raising revenues to fund such programs, projects and activities.

Mr. President, this bill is $2.5 billion over budget. That represents a problem for a lot of us. These programs for

the most part are deserving programs, they are programs which should be funded.

I look at some of these programs, for instance, in the Defense Department. The committee is recommending $75 million for operation and maintenance for the Army, $70 million for operation and maintenance for the Navy, and so forth. These programs, and many others in this bill, are important, vital programs, and they are important enough to pay for them. The question is whether or not we are going to indicate either a willingness to pay for them or pay for them in fact, or whether or not we are just going to continue to pile on deficit upon deficit.

When we have gone through all the explanations of the bill, when we look at all the programs and we hear all of the requirements that are going to be filled and all the needs that have to be satisfied, we are left with the bottom line, $2.5 billion over budget and what are we going to do about it? I am troubled. There is no easy answer, may I say, to this question.

One way is to go into each of the many programs one by one on the Senate floor and raise questions about this $5 million or that $10 million or that $500,000, and we might be here for weeks, indeed we might be here for months, going through that process.

Then at least each of us could reach a determination as to whether or not each one of those programs is worthy and worthwhile.

I have gone through many of these programs to the best of my ability in this 250-page bill, and, again, I believe that most of these programs at least are worth funding. But if they are worth having, they are worth paying for. We have to find some mechanism that we can express that sentiment, as I think most of us feel.

The Appropriations Committee has gone through this bill the best that they are able, and I think they have done a good job. Nothing that I say is intended to denigrate the effort which they have put in. But with their best efforts they still presented to the Senate a bill which violates the Budget Act. That ought to make us uncomfortable. It makes me uncomfortable. This bill violates the Budget Act. There are a number of things we can do about it.

One I have indicated. We can go through this program by program for a number of weeks on the floor and try to figure out here where we can cut programs, where we can make deferrals of other programs, where we can make rescissions of other programs. I doubt that the Senate floor is the place to do all that. The place to do all that is the Appropriations Committee.

So we ought to ask the Appropriations Committee to do that for us.

I have a lot of confidence in the Appropriations Committee. I have a lot of confidence in its chairman, who is as distinguished a Senator as I have ever known. I have a lot of confidence in its ranking members, its floor managers, and other managers. I think that these Members of the Senate know just how personally strong I feel about them in their efforts.

But I also feel that we have to do something about this deficit and we cannot just simply violate the Budget Act, as important as these programs are, without expressing ourselves in some way that we are going to pay for them. Somehow we have to find a way to express that.

There was a point of order that it violates the Budget Act, and I voted for that. But I am not sure that is the best way to go. Again, we can go through 30, 40, or 50 programs and hundreds of possible rescissions and deferrals. But that surely is not the best way to go.

There is a logical way to go here, and that logical way is to ask the Appropriations Committee to use, again, their best efforts; to do what is necessary to make this discretionary title deficit neutral, and—and this is the key—if they are unable to do that, if they cannot make it deficit neutral, to then urge the Senate of the United States to raise the revenues that we need to pay for the programs. That alternative is a real alternative. We should not forget it. We should not jump to it. We should not grab it. We should not reach out for it right away. But we at least have to consider it as an alternative to piling $2.5 billion more on our deficit and sending the bill to our grandkids.

So this motion, which is a carefully crafted motion, asks the Appropriations Committee to take another stab at this.

"We have a lot of confidence in you," is what we are saying in this motion. "Take another stab at this. If you cannot make this discretionary title revenue neutral, if you cannot do it, then come back and tell us you cannot do it and recommend to us that we raise the revenues to pay for the programs that you are unable to fund in this bill."

That at least would put us more on a pay-as-you-go basis. That at least would represent an indication that we are deeply concerned about adding $2 billion to the deficit, and that somehow or other we are going to address it in this bill.

I hope that this motion to recommit can be adopted. I think it is a mild approach to the deficit problem that is in this bill. It avoids the many amendments which otherwise might be filed, as I understand it, attacking one particular portion of the bill or another, putting the Senate in the position of writing the bill. We should not be in that position in that much detail. I hope, again, that the Senate might adopt this resolution and come back early next week.

Mr. DODD. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. DODD. I commend the Senator from Michigan for his comments. This is not an easy position to take. He has stated it eloquently and fairly.

There is no Member of this body who is more highly respected than the chairman of the Appropriations Committee, and no one has been more diligent, I might point out, over the years about being honest with the American public about tough decisions. But I assume he has listened to the Senator's speech as I have and is probably saying that the man is pretty much on target.

What I understand the Senator from Michigan to be saying is not to be construed in any way as a condemnation of the efforts of our colleagues on this committee. But he happens to be right. Lord knows, we have all given speeches about trying to reduce this deficit. I presume we all go home and talk about that. I know I do. Yet I find myself coming back and I vote for a lot of these amendments here because I happen to agree with a lot of these programs. But I would hope that we might take the suggestion of the Senator from Michigan and try to come up with a revenue-neutral proposal or be honest and come back and say we cannot do it; we need to raise some revenues.

In the late 1940's, Harry Truman came before the Congress of the United States and said the Korean war was something he felt the United States ought to be involved in but he was not going to send young Americans to Korea unless we were willing to pay for it. The Congress of the United States said we were willing to pay for it and we went. It is only one of the few times in the last four or five decades that we felt that strongly about something, that we felt strong enough to raise taxes to do it.

I felt strongly about the things I voted for, the homeless, AIDS research, and things. I am willing to tell my constituents that the taxes have to be raised if we cannot come up with revenues to pay for those things. We might be setting a precedent here for suggesting that.

I plead guilty. As the Senator from Oregon has pointed out, that on a lot of these things these are not easy decisions.

I think we might take a short amount of time on what the Senator from Michigan is suggesting, not a big delay, to come back and have it revenue neutral. I commend him for his efforts and I intend to join him in his effort.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. LEVIN. I will yield the floor for a question and then I will yield the floor to my cosponsor, Senator GRAMM.

Mr. HATFIELD. The Senator from Michigan has proposed here, in tandem with the Senator from Texas, that the Senate Appropriations Committee receive this bill back with instructions to make title I, the discretionary spending title, deficit neutral, or provide for revenues or suggest——

Mr. LEVIN. Not provide for, because the committee is not able to provide for, but urge the Senate that we provide for.

Mr. HATFIELD. The thing that puzzles me at this point is that I have a tally of three votes that were cast today and yesterday by the Senator from Michigan to waive the Budget Act—$10 million for the homeless, $100 million for the Summer Youth Program, and $225 million for the homeless. Each one of these would have had a further impact upon the deficit because they were not deficit neutral. Now I am puzzled as to the instructions that the Senator is proposing here to the Appropriations Committee for the simple reason that if the Senate Appropriations Committee has brought here a bill that the Senator finds offensive in terms of the impact upon the deficit, why did the Senator vote to waive the Budget Act in three specific instances to add more to the deficit?

Mr. LEVIN. For the reason that I gave before.

Mr. HATFIELD. I am puzzled.

Mr. LEVIN. I would not want my dear friend from Oregon to leave here tonight puzzled, so let me answer the question in the way I did before. The programs that are in the bill, I believe, are important programs. The Senate has funded a number of things in this bill, including some operations and maintenance items in the military which are pretty close to my heart, and I am willing to vote for those. This bill is $2.5 billion over budget. It has some good programs. I want to pay for them.

That is the answer to the question. When I vote important money for the homeless, I want to pay for that program one way or another. The question is, Is the best way to pay for it to have the Appropriations Committee attempt, to the best of its ability, through deferrals, through rescissions, through cuts in other programs, to pay for what the Senate believes are priority items? And if it is unable to do that, at least to urge the Senate, as an Appropriations Committee, to raise the revenues. That is the second half of the motion which is very vital.

But the simple answer, or the direct answer, to the question is, I believe the homeless program is an important program just like operations and maintenance for the Army is important. I vote for it just the way I will vote for this bill. I want to pay for it.

Mr. HATFIELD. Will the Senator yield because, as the Senator has indicated, the Appropriations Committee is not in the business of raising revenues. That is not our jurisdiction.

Mr. LEVIN. Yes, I yield.

Mr. HATFIELD. Do I understand correctly, when the Senator says we create the deficit-neutral character to title I by the deletion of programs or reductions of programs or rescissions or deferrals—if the amendment passed and the Appropriations Committee came back to the floor with a new bill and if it included the deletion of the Homeless Program, the deletion of other social programs that I know the Senator is deeply committed to, as many of us are, and it came out with a 0-to-0 deficit neutrality, would the Senator then indicate to me that he would prefer and be willing to vote for that kind of bill as against the one that does include some of these social programs?

Mr. LEVIN. Mr. President, I would have to look at the whole bill. He is asking me to reach a judgment on a bill that I would have to see.

Mr. HATFIELD. I do think the Senator is saying in effect to us, delete programs or reduce programs, or do this. The Senator and I—I know the Senator well enough to know we could probably get together to delete SDI and aid to Central America and a few other things he and I would probably agree to, but obviously, we would not carry the majority, either here, on the floor, or in the committee. But I think the Senator ought to recognize when making this proposal that we are putting into vulnerability and threatening some of the "social priorities" that he and I share by this kind of instruction.

Mr. LEVIN. This motion, in a sense, puts at risk every program we are not funding. And we have to do it. I am close enough to my good friend from Oregon to tell him that I believe that a program that is important enough to add is important enough to pay for. That is all this resolution says. The "ors" are fine as far as he went—do it this way or do it this way or do it this way. But there is another "or" you have to add. It says provided that the committee is unable.

If the committee is unable through those other measures to bring this bill into compliance with the Budget Act, then all it does is ask the Senator to urge the U.S. Senate to consider legislation raising revenues to pay for them. That would put be the Appropriations Committee on record as a committee urging the Senate to raise revenues necessary to pay for programs it is unable to fund.

I believe the Senate then, if it passed this bill with that language in it, would in good conscience carry out that commitment.

Mr. HATFIELD. Will the Senator yield for one final question?

Mr. LEVIN. I am happy to yield.

Mr. HATFIELD. As the Senator knows, this addresses title I only and we would still have a $1.3 billion deficit as far as the current character of this bill is concerned.

Also, I say to the Senator that when you consider the question he is considering—and I join him in saying that I have stood from the very beginning to raise the revenue sufficient to pay for programs. But the Senator does not have to refer this back to the Appropriations Committee to get that kind of resolution or that kind of statement. I would join the Senator in getting unanimous consent to put that in the current bill that is here on the floor, that we urge the committees of jurisdiction to consider the revenues sufficient to make this deficit neutral as we now have it pending on the floor. We do not have to send it back to the Appropriations Committee to get that kind of statement or that kind of commitment. I would cosponsor that kind of amendment with the Senator.

Mr. DODD. Will the Senator from Michigan yield?

Mr. LEVIN. I shall be happy, if I can, to yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator can yield for a question only.

Mr. LEVIN. I yield for a question.

Mr. DODD. I just ask my friend from Michigan, I fall in the same category. I am as guilty as the Senator from Michigan is in voting for some of these waiver issues. I think the point of the Senator from Oregon is a good one. But I ask if this is not the case. Part of the difficulty is we are trying to take care of everybody.

The Senator is right. My colleague from Oregon and I agree on more things than not. The problem is trying to take care of everybody. I guess that is the frustration we feel.

I do not agree with my friend from Texas on many issues. I do not think we have voted together on many issues in our 6 years here, speaking of the Senator from Texas [Mr. GRAMM]. Part of his agenda or part of my agenda is going to have to prevail, but not all of his or not all of mine.

I ask my friend from Michigan if the case has not been that we try to take care of everybody. I say and ask my colleague if he agrees that maybe I would have to vote against this if things I care about are not in this and too many things I do not care about are. I have to make that decision to vote yes or no. I think that is the thing we do have to decide, that basic question.

Mr. LEVIN. I do indeed agree.

I shall yield the floor after I quickly answer the question of the Senator from Oregon. It is important that any reference to possible revenues be part of an effort to look for alternatives, for obvious reasons.

There are many here who feel we should pay for programs totally by cutting other programs, and we would end up with the imbalance that the Senator from Connecticut just referred to. There are some, though, who would go totally that route. There are others who would say just raise revenues. But there are some who say we ought to go at this as a package together, that the effort to pay for programs ought to be a double effort. Look for places you can cut and, if you cannot, look for revenues, and that is why this effort should be a combined effort in one package by the Appropriations Committee. That is the reason for the phraseology the way it is. I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I would submit to my dear and distinguished friend from Michigan that he gives us a choice of three things, and I would ask him carefully to consider these because I think he may just, being fairminded, agree with me when I am finished.

He gives us a choice between doing something that is either, No. 1, meaningless, or, No. 2, impossible, or, No. 3, irrational.

Now, let me briefly explain. First of all, why should it be meaningless? To the extent that it says we come back to the Senate and find revenues to fund such programs it is totally meaningless, first because the Senate in the budget resolution formally has already gone on record in favor of additional taxes in a very specific way to the tune of $18.5 billion, if I remember the precise amount. So we have already gone on record for additional revenues.

But if we are talking about additional revenues to fund these programs, that is, the outlays in title I, we are talking about something that cannot be done. Physically we would not go back to the Appropriations Committee, report a bill out, have a sense of the Senate resolution, then start all over again with a tax package in time to fund these programs.

There are less than 4 months left in the fiscal year. These programs need to be funded now, not next year, not at some vague time in the future, but they need to be funded now.

So to the extent that we talk about taxes, it is totally meaningless. We have already done that specifically identifying the exact amount of taxes.

Now, why do I say the second choice is to do that which is impossible? Because, Mr. President, this speaks in terms of title I, of making it deficit neutral.

Now, Mr. President, in title I we have outlays of $1.337 billion. Only $44 million of that is encompassed in what we call the current level, so the net increase in title I is about 95 percent of that, or $1.293 billion.

So in order to make this deficit neutral, that is, title I as called upon in this resolution, we would have to eliminate $1.293 billion, which is over 95 percent of the outlays in title I.

Now, what is the title I, and is it important? Well, Mr. President, I have already talked about the CHAMPUS Program. That is $425 million.

Now, for those who do not understand what the CHAMPUS Program is, let me tell you that that funds health care for military people who do not have access to military hospitals. It is an entitlement so that a serviceman can be treated by a civilian doctor. The choice then for the serviceman—and the CHAMPUS money runs out the first week in July—would be to tell the doctor, "Treat me because maybe the Senate will change its mind sometime. We don't know when, maybe it will change its mind and maybe it will fund this thing, maybe it won't, but can you do this on credit, can't you, doc? The sickness is now but can you do it on credit?"

Maybe the doctor would say, "No pay, no treat." That is what they say at most hospitals. You try to get into a hospital now without a credit card. They will not let you enter.

Now, do we think these civilian hospitals and these doctors are going to be any different because it happens to be a serviceman who has a very meager salary? So what happens? Either they do not get paid or they do not get medical care.

Now, that is $425 million. I am certain that the Senator from Michigan does not want to eliminate CHAMPUS from this resolution.

What are we going to rescind? We have already done all the rescinding we can, some 3 billion dollars' worth of real offset savings and fiscal restraint. We have $1.3 billion of required absorption of Federal pay, $800 million in cuts and transfers in previously appropriated funds, $700 million in rescissions in prior-year authorities, $200 million reductions of loan authorities.

We have been down that route. We have done all that we can do. Besides that, most of the fiscal year is gone. The later you get in the fiscal year, the more meaningless it is to try to rescind programs because the money has already been spent. But we have already done that, and you just cannot in a rational way rescind an entitlement.

Now, what else is in this? Well, you have a matter of CCC emergency loans. I really do not mean to be cute about this, but did the Senator from Michigan realize that there is some $10 million in flood emergency loans for the State of Michigan in this bill? Did the Senator from Texas know that there is $40 million in emergency loans for Texas in this bill? It is discretionary money, but it is to fund those disaster losses.

Now, Mr. President, it is all right to say wait, but when you are in the midst of a disaster you need the money now. You do not need some vague promise that, well, maybe under the Gramm-Rudman law we can figure out a way to put this in your 302(b) allocation and maybe it will work or maybe it will not. We need this money now.

How about the IRS, Mr. President? The President of the United States said give us some more IRS auditors and collectors. Actually he asked for more than 78 million dollars' worth, but we put $78 million in this bill. Now, they say that those auditors generate more than $6 for every dollar you spend. Nobody loves IRS collection agents but we have to have them. The President asked for them. And to the extent you wait until next year to do it, you have lost the income to be derived this year.

Mr. President, I could go down the list. The point is you have to eliminate 95 percent of title I, things that are entitlements or if they are not entitlements they are things like disaster loans that ought to be paid; they are absolutely necessary.

So it would be irrational, Mr. President, I submit, to eliminate CHAMPUS or to eliminate disaster loans. It would be impossible to find it elsewhere, and it would be meaningless to report this back to the Senate Appropriations Committee and come out and say, "Well, we could not find the money, we did not think it was wise to eliminate CHAMPUS or to do away with disaster loans or to eliminate the IRS or whatever it is that is being asked for, but by the way we think we ought to pay for these programs, we know it is too late in the fiscal year to raise the taxes to pay for these but next year we ought to do it." We have already done that, Mr. President.

Now, let us not hang up a very important appropriations bill that the President of the United States says is an urgent supplemental, that the House of Representatives says is an urgent supplemental, that passed the full House, and that the Senate Appropriations Committee and I hope the full Senate says is also urgent.

Mr. President, who was it who said, "For every complicated problem there is a simple solution"? It was Mencken, I think. And the answer is, It is always wrong. There may be some simple solutions to the problems of this country, but I can tell you that this amendment is not a simple solution. It is a

sledgehammer to the head of people who need disaster loans, of people who have entitlements to medical care, of a country that needs IRS agents to collect its revenues, to a whole host of very carefully considered priorities that ought to be funded and funded now.

We cannot wait for the Senate Appropriations Committee to come back and say: "Well, it is impossible to cut or irrational to cut. Therefore, we recommend some as yet unspecified taxes to be enacted at some unspecified time."

We have already done that, and we have done it with reconciliation instructions that are binding on both the House Ways and Means Committee and the Senate Finance Committee.

So, Mr. President, I will soon move to table. But I see the Senator from Texas rising to his feet; and I hope that now that he is instructed on the matter, he will urge that his name be disassociated with his unwise piece of legislation.

Mr. GRAMM. Mr. President, first, let me say, lest there be any thought that I was swayed by the siren song which we have heard so long, as the Nation has moved closer to the rocks of financial disaster, that I was unswayed. I was not swayed by this song the first time I heard it 9 years ago, and I am certainly not swayed today.

I am very proud to cosponsor this provision with the distinguished Senator from Michigan. I can save time by identifying myself with everything he said, and I would like to make a few points in response to the Senator from Illinois, and then I think I can sum it up briefly.

First of all, we have not raised taxes to pay for these programs. We have raised taxes in the budget resolution to pay for more new programs. In fact, the House and the Senate passed a budget resolution calling for roughly $20 billion in new taxes and $50 billion in new domestic spending. If you can tell me how that gets you home in the deficit, I would like to hear it and understand it. I do not understand it, and I do not think anybody else in the country does.

This is new spending—not next year but this year. We are already committed by the budget to the spending next year, and the request is under way to try to raise taxes to pay for less than half of it.

It is impossible, the distinguished Senator from Louisiana tells us, to find 1 inch of fat in this budget. We need this weed research center at North Dakota State University, which was in here without peer review. We have to study the milling process at the research center, despite the fact that people have been milling flour for 5,000 years.

In this emergency appropriation bill, we have to have a trade promotion center in Iowa. We have to raise funding for Congress. There is an emergency here. We have to raise the deficit so Congress can have more money.

I can go on and on and tell you about all the programs in here that should not be here even if the Treasury were fat, but certainly should not be here if we are broke, and which by no stretch of the imagination are emergency programs. But I am willing to forget all that and say that every program in here may have merit. But I come back to the central point of the distinguished Senator from Michigan: If it has merit, we should be willing to pay for it. We should either take it away from some other program or be willing to come out on this bill, when we vote for it, with a sense-of-Congress resolution that we want to raise taxes, not next year but now, to pay for it.

It is interesting that the distinguished Senator from Louisiana says that it is impossible to find any other savings. The President recommended almost $10 billion of rescissions more than were taken by the committee. They may not have been good ideas. One can say he is against them. But I think they clearly refute the idea that it is impossible to find any offsets for these programs.

Obviously, programs that are sending money to Texas have to be programs that the Lord is very interested in, and obviously I am interested in them. But when the Lord sends programs, He creates the resources. When we send help, we send it at somebody else's expense, and we mail out the bill at the same time.

What I am saying is that if the help is worthy, let us pay for it. We can rescind $155 million from rural housing. Those funds are there. They could be rescinded. If disaster relief is more important than rural housing, take it away from rural housing, or take it away from any one of thousands of other programs.

However, what we are hearing here is this: To fund these programs in the discretionary title—we are not talking about retirement. This amendment says forget it. We are going to raise the deficit on retirement. We are not talking about pay. We are not talking about CCC. We are talking about basically discretionary programs. What we are saying is, "Look at them all. Do we really need them? Do we need every one of them?" I think most people who look at this bill will conclude that there are dozens we do not need, which are not emergencies.

No. 2. If we do need them, is there not some program in a $1 trillion budget that is less vital than these programs? Can we not find, out of the President's proposed rescissions and proposals—or ones we can come up with ourselves—any offset to roughly $1 billion, one one-thousandth of the Federal expenditure?

Is there not one-tenth of 1 cent in each dollar of Federal spending that is less worthy than these vital programs here? Not one-tenth of 1 cent? Nobody believes that.

Finally, there is the other option: If this Senate really believes that we need to do all these things, if we really need to have a weed research center at North Dakota State University, then why do we not raise taxes to pay for it, or at least have Members go on record?

I guess what bugs me is that over and over we have Members stand up and say that they are against taxes, but over and over they vote for all these spending bills. We have people who say they are for fiscal responsibility, and yet they vote to fund programs without paying for them.

What this amendment does is this: It says that on title I, we want to send this bill back to committee. We do not want to exercise our judgment over it. That is a very difficult problem.

In trying to put together these 21 amendments, I suddenly realized that what was not included there was the funding for Congress. I thought to myself, what am I going to say when somebody says, "You're knocking out vital matters such as lending bee growers more money, and yet you're providing more money for Congress"? We have $4 million in rescission for Congress. The Senate spends $1.7 million, so you can say give $3.3 million to the House. Cut them back $10 million, or $8 million, or whatever they are over.

The problem is, I do not have information to make that decision. I do not know whether they should have more money for police or mailings or whatever the House does with their money. That, I think, is the wisdom of the motion to recommit which we have here.

We do not claim that Senator LEVIN and I have a cumulative wisdom that exceeds that of the Appropriations Committee. There are some who may look at this bill and suspect it, but we do not claim it. What we say, however, is that you can add. Arithmetic is something we all learned in the third grade. This bill adds up to a $2.6 billion increase in the deficit, when we committed that we were going to lower the deficit. Here we are: $2.6 billion, not next year but right now.

This motion to recommit simply says, on the discretionary parts of the bill, go back and either throw it out, come up with an offset, or come forward with a resolution calling on Congress to raise taxes to pay for it.

Now there is absolutely nothing unreasonable about that. There is one and only one reason that comes to my mind that anyone could be against this and that is that they do not care

about the deficit, that they do not want to cut a program out, they do not want to offset a program, and they do not want to even pay for it. What they are saying, in essence, is forget about the deficit because we are here appropriating. What do deficits have to do with appropriating? They come from appropriating.

I think this is an opportunity for us to see who is for real and who is not for real about the deficit. If you do not want to cut it and you do not want to offset and you do not want to pay for it, there is only one thing you could possibly be for and that is deficit spending.

I hear everyone at home in their State say, "I am against the deficit."

This is an opportunity on a vote where it seems to me that the issue is as clear-cut as any issue could be clear-cut.

If you are against deficits, you have to be willing to cut or offset or rescind or defer or pay for it. The only alternative to all those things is you are for deficits, and that is the issue. I hope our colleagues will vote for this motion to send the bill back to committee.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will not prolong this debate. I hope in my original remarks I persuaded my colleagues that there are items in here for great urgency that have to be done now.

I am just handed, for example, a note that talks about the National Transportation Safety Board already calling for restrictions in air travel this summer. We have $5 million in this bill for 225 controllers, $20.5 million for safety-related telecommunications equipment, $14.1 million for controller training. I really think that is urgent, Mr. President.

I think the flood relief, disaster relief is urgent. And so the list goes.

There is no simple solution to this, Mr. President. I for one am willing to pay for the programs. We cannot enact a tax this fiscal year to pay for these programs. We have already made 3 billion dollars' worth of rescissions. Most of those are simply going by the wayside.

The President, for example, recommended $2.481 billion rescissions in education. The Senate considered that. Not only did we reject it, but this Senate urged in the budget resolution additional money for education. We simply disagree with the President as to the priority for education.

We can go on and on down the list. But if this Senate thinks that somehow the Appropriations Committee overnight or in a day or two could reexamine this entire Federal budget and find these simple solutions here, Mr. President, I can tell you it cannot be done. The best we could do is to come up with some meaningless language, such as we think these are vital programs; we did our best; and we think we ought to have some kind of taxes next year. That is about the best we can do and, in the process, we would delay this bill. I do not know how long. Certainly a few days, maybe longer than that. I do not know—maybe kill the bill.

That would be very unwise, Mr. President. It would be bad news for military people who need medical care. It would be bad news for people who need disaster relief. It would be bad news for the American public that needs greater safety at airports. It would be bad news for the Immigration Service which is trying to implement a new law. It would be bad news for the American taxpayer who is trying to get some additonal IRS agents to enhance the taxes on the books.

So, Mr. President, without prolonging any further the debate and being in full agreement with the distinguished Senator from Michigan as to what impels, what motivates this amendment, I ask unanimous consent that I be able to yield 2 minutes to the distinguished Senator from Michigan without losing my right to the floor after which I will move to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, let me thank my friend from Louisiana.

First, a factual correction. The rescissions and deferrals which this motion to recommit refers to must come from title I which is the entire Government. It is not limited to the programs which are specified in title I. Title I is the entire Government and the rescissions and deferrals which are referred to in this motion can come from any of those agencies, agencies which are in title I, going down the list, literally the entire Government of the United States. That is the clear intention of this wording. It must come from the agencies covered in title I, not limited to the programs in title I.

Second, I could not agree with my friend from Louisiana more—CHAMPUS, flood relief, airport safety are important.

We ought to set in motion a process to pay for them, commit ourselves to pay for them or to cut other programs to pay for them.

So there is no disagreement between us as to whether CHAMPUS is important. The question is are we going to put ourselves on some kind of a process or commit ourselves to a process which will pay for it. That is the issue.

Mr. JOHNSTON. Mr. President, will the Senator yield at this point?

Mr. LEVIN. I yield.

Mr. JOHNSTON. The motion says "such changes as may be necessary to make title I deficit neutral," and the Senator would agree with me that 95 percent of the outlays in title I would have to be cut.

Mr. LEVIN. No.

Mr. JOHNSTON. Or offset by something else somewhere else.

Mr. LEVIN. All I am saying is that the resolution is clear that the deferrals and the rescissions could come from any of the agencies that are covered in title I which is the entire Government. They do not have to come from the programs which are specified.

Mr. JOHNSTON. Mr. President, as I pointed out before, we have already been through that process earlier in the year and made that $3 million worth of offsets.

So without prolonging the matter further, Mr. President, I move to table the motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to recommit.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—52

Adams	Dole	Kasten
Bentsen	Durenberger	Lautenberg
Bradley	Exon	Leahy
Breaux	Ford	Matsunaga
Bumpers	Fowler	McClure
Burdick	Grassley	Melcher
Chafee	Harkin	Mikulski
Chiles	Hatfield	Moynihan
Cochran	Heflin	Packwood
Cranston	Heinz	Pell
D'Amato	Inouye	Pressler
Daschle	Johnston	Pryor
DeConcini	Karnes	Reid
Dixon	Kassebaum	Riegle

Rockefeller	Sasser	Stennis
Roth	Shelby	Stevens
Sanford	Specter	
Sarbanes	Stafford	

NAYS—39

Armstrong	Graham	Mitchell
Baucus	Gramm	Nickles
Bingaman	Hatch	Nunn
Bond	Hecht	Proxmire
Boren	Helms	Quayle
Boschwitz	Hollings	Rudman
Byrd	Humphrey	Simpson
Cohen	Kerry	Symms
Conrad	Levin	Thurmond
Danforth	Lugar	Trible
Dodd	McCain	Wallop
Domenici	McConnell	Wilson
Garn	Metzenbaum	Wirth

NOT VOTING—9

Biden	Gore	Simon
Evans	Kennedy	Warner
Glenn	Murkowski	Weicker

So the motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. BYRD. Mr. President, I believe that circumstances are such that we will not have any more rollcall votes today. But before we take that as an absolute certitude, let me inquire if the remaining amendments that are left are on the list that was entered earlier.

There is an amendment by Mr. CONRAD, a possible strike amendment; an amendment by Mr. GRAMM, a comprehensive strike amendment; an amendment by Mr. GRAMM which could be 21 strike amendments or one, I suppose; an amendment by Mr. METZENBAUM to restore funds for unemployment offices; an amendment by Mr. DOLE dealing with an agricultural study; an amendment by Mr. HELMS dealing with AIDS; an amendment by Mr. COCHRAN on farm credit; Mr. MELCHER, Meals on Wheels; Mr. JOHNSTON, a germane amendment with one second germane amendment in order thereto; and Mr. D'AMATO, a Persian Gulf amendment.

That completes the list that was ordered earlier today. There was one that I named that we did not get in, through inadvertence on my part. It was an amendment by Mr. MELCHER and the transcript reads as follows:

Mr. MELCHER. Mr. President, I may have an amendment on transferring some of the money from the Agriculture Department to Meals on Wheels. It looks like an amendment that will be accepted, but we are working on the details.

I did not include that amendment and that was inadvertence on my part. I ask unanimous consent that that amendment be added to the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, my requests are these: Some of the Senators whose names were called are not on the floor.

What Senator will lay down an amendment and make it the pending business that he intends to have a rollcall vote on so it will be the first amendment up in the morning, we will have the yeas and nays ordered on it, and hopefully, a time limit?

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, Mr. President.

Mr. JOHNSTON. I am hopeful that the following is the situation. I am hopeful that Senator GRAMM will not further press his amendments because of the vote just had, because I think they deal essentially with the same subject matter.

I am hopeful that Senator METZENBAUM's amendment can be accommodated.

Mr. METZENBAUM. It has been worked out.

Mr. JOHNSTON. I am advised that has been worked out.

The Johnston fallback amendment I am confident will not have to be brought up.

The Helms AIDS amendment, as far as we are concerned, could be accepted. In any event, I think it will have very meager debate.

Senator COCHRAN on his farm credit amendment—I do not know whether this is ready, but he has advised us not to wait if it is not ready. I hope if it is ready it can be accepted.

Senator MELCHER, I think, hopes to have an amendment which will be accepted.

If all of that is true, then the only amendment for which a rollcall vote is requested that I know about is the Helms amendment on AIDS, which might even be obviated. So with a little luck, we could not have any rollcall votes tomorrow.

Mr. COCHRAN. Will the distinguished leader yield to me to respond to the suggestions and observations of the manager on that side of the aisle?

Mr. BYRD. Yes, Mr. President.

Mr. COCHRAN. I am advised by the staff of our Appropriations Committee that there may be some prolonged debate on the Helms amendment, that that may not be worked out at all on this side of the aisle.

Further, the amendment that is listed on farm credit is an amendment that, in any event, has not be finalized yet with respect to cosponsors and the exact language that will be offered. We would not be able to call that up as the first order of business in the morning. It will be available later in the morning.

Mr. JOHNSTON. If the Senator will further yield, Mr. President, I think the big question is what Senator GRAMM intends to do because if his amendments would not be there, then I think we have one contested vote on the Helms AIDS amendment and I hope that Senator COCHRAN could work out his. My guess is that he could.

Other then the Helms amendment, it may be that we would not have any.

I see Senator GRAMM is here. I wonder if I may ask Senator GRAMM if he intends to go further with his amendment.

Mr. BYRD. Mr. President, I yield for that purpose.

Mr. GRAMM. Mr. President, it is my intention, in light of the vote we just had, to go back and look over the list and see to what extent I could save time both for the body and for myself. I certainly reserve my right to offer those amendments.

I also, tomorrow, will raise a budget point of order against the bill.

Mr. JOHNSTON. But the Senator does expect to have at least one amendment in addition to the budget point of order?

Mr. GRAMM. I do.

Mr. BYRD. Would the distinguished Senator from Texas—I take it from what he said he would not—be willing to lay down an amendment tonight so we could begin work thereon at 10 o'clock tomorrow morning?

Mr. GRAMM. If the distinguished majority leader will yield, I have been working with Senator LEVIN on our motion to recommit. I would like, if it is not a terrible inconvenience to the body, to have an opportunity to go back and pick and choose. Obviously, I want to offer the best one. I am not sure at this moment that I have that worked out, though I expect it to come to me overnight.

Mr. JOHNSTON. If the majority leader will further yield, if the Senator from Texas intends to make a point of order, perhaps he could make the point of order, then the motion to waive would be the pending business and we could go first thing to that and get off to, I hope, a roaring start.

Mr. GRAMM. I think in fairness to people who want to go home, that mght be a reasonable thing to do. When we start in the morning, I would be prepared to go and raise a point of order at that point so people do not leave thinking they are not going to miss a major vote.

Mr. BYRD. Mr. President, would the Senator want to wait until morning to make the point of order or would he want to make it now so every Senator knows it is made?

Mr. GRAMM. If the distinguished majority leader would like it made now, I would be happy to do it.

Mr. President, I make a point of order under section 311 of the Budget Act that the pending bill increases the budget for fiscal year 1987 by $2.6 billion; therefore, it violates the Budget

Act and I raise the point of order under section 311.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

Mr. JOHNSTON. Would the Senator withhold so we can move to waive the Budget Act?

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, first, a parliamentary inquiry. I wish to waive the Budget Act. Is a general motion to waive the Budget Act to accommodate the bill in the position that it is in now, is that the appropriate motion?

The PRESIDING OFFICER. Such motion would be appropriate.

Mr. JOHNSTON. Mr. President, I therefore move to waive the Budget Act to accommodate the bill in its present condition and ask for the yeas and nays.

Mr. BYRD. Mr. President, I wonder, will the distinguished Senator put that waiver in writing so we be sure that we get it right? The reason I asked to proceed for 2 minutes was so that the Senate would not go any further on this point or order today. Overnight the Senator could prepare his waiver and have it ready to offer in the morning before the Chair rules.

Mr. JOHNSTON. Mr. President, I therefore withdraw the waiver and I assume the Senator will ask unanimous consent to withhold action on the point of order.

Mr. BYRD. Yes. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

ORDERS FOR TOMORROW

ADJOURNMENT UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn over until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders have been recognized under the standing order, there be a period for the transaction of morning business not to extend beyond 10 o'clock a.m.; that Senators be permitted to speak therein not in excess of 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RESOLUTIONS OR MOTIONS OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no resolutions or motions over under the rule come over on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VII be waived on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF UNFINISHED BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at 10 a.m. tomorrow the Senate resume consideration of the unfinished business.

The PRESIDING OFFICER. Without objections, it is so ordered.

RECOGNITION OF SENATOR JOHNSTON

Mr. BYRD. Now, Mr. President, I ask unanimous consent that when the Senate returns to the unfinished business on tomorrow, the distinguished Senator from Louisiana be recognized to make his waiver motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Now, Mr. President, I think that everything has been set in order for tomorrow and that the few remaining amendments that will require rollcall votes will be disposed of at a reasonably early hour, but I would not want to go late tomorrow night. I would not go late tomorrow, 8 o'clock, 7 o'clock, 6 o'clock, and I would not want to go over to Tuesday because I have a commitment that we have no rollcall votes on Monday. I believe if Senators will call up their amendments and dispose of them, be prepared to call them up when the opportunity beckons, this measure can be disposed of at a reasonably early hour in the afternoon tomorrow, mid-afternoon or some such. The distinguished managers may have a better insight on that than I have at the moment.

Mr. JOHNSTON. Mr. President, if the Senator will yield, I hope we can have it disposed of before early afternoon. If all Senators understand and if we may now put them on notice that we are ready to go and finish the bill, and if you have an amendment, bring it up and get it disposed of, then we will vote on the waiver. I hope the waiver will be granted. If it is not, then the whole bill comes down, of course. But if it is granted, then I only know of one contested amendment, and I think the rest may very well quickly fall into place and we may be able to finish by noon.

I think the distinguished Senator from Oregon and I and the distinguished Senator from Mississippi, the chairman of the full committee, would hope that we could finish by noon.

Mr METZENBAUM. Will the Senator from West Virginia yield for a question?

Mr. BYRD. Mr. President, I yield for that purpose.

Mr. METZENBAUM. When we were reciting, the amendments I think there was one described as a Johnston germane amendment. Is that correct?

Mr. JOHNSTON. Mr. President, I say in answer to that, right, there was one amendment reserved for me and frankly it is just a manager's standby amendment. I do not have anything in mind. Just in case we have forgotten something and somebody needs more help. There is no trick bag involved.

Mr. METZENBAUM. I just want to be certain. I thank the Senator.

Mr. HELMS. Mr. President, will the distinguished majority leader yield?

Mr. BYRD. I yield.

Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the Senator yield briefly?

Mr. HELMS. I yield.

Mr. BYRD. I am getting inquiries as to about what time we may expect a vote to occur on the waiver motion. I ask the distinguished manager, Mr. JOHNSTON, about what time that may be.

Mr. JOHNSTON. I would think right at 10 o'clock. I think we will be on the bill at 10 o'clock, and the point of order will be made, and the motion to waive will be made.

I ask the Chair: Is that debatable?

The PRESIDING OFFICER. The motion to waive is debatable.

Mr. JOHNSTON. We have been through that debate several times, even today. So, as quickly as the debate on the motion to waive is over, which should be right away, we should vote.

Mr. BYRD. Could we get a time limit on the motion to waive? That could go on all day. I wonder if Senators would be willing to limit time on the waiver motion, not to exceed 30 minutes, equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I think Senator GRAMM ought to have a call on that.

Mr. BYRD. Very well.

Mr. President, I withhold my request momentarily.

Mr. HELMS. In the meantime, Mr. Leader, I do not want to hold up the Senate on the AIDS matter. The managers of the bill, I take it, have adjusted it, so I shall not ask for the yeas and nays on it. Senator WEICKER or some other Senator may.

My predisposition is not to ask for the yeas and nays. Maybe I can lay it down tonight, and we can get to it in the morning.

Is that the contested amendment that the Senator was talking about?

Mr. JOHNSTON. Mr. President, I have heard no opposition on this side.

I understand that the AIDS amendment simply requires testing under the immigration law.

Mr. HELMS. That is correct.

Mr. JOHNSTON. I have heard of no opposition on this side, so, so far as I know, it is not contested. I must say that I would personally have no objection to that.

I cannot speak for anyone else here, except to say that it is a subject that has been up, and no opposition has arisen as yet. I would hope that it would not require a rollcall vote.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. HATFIELD. I have had a conversation with the Senator from Connecticut [Mr. WEICKER], who does not feel that this has been resolved to his satisfaction. He will be here to debate it. Therefore, I would be reluctant to enter into a time agreement at this point.

Mr. BYRD. Mr. President, I will shortly move that the Senate go out until tomorrow. If I could, I would like to have the order entered limiting debate on the waiver.

May I ask, is someone on the other side attempting to get in touch with Senator GRAMM?

Mr. HATFIELD. Mr. President, if the Senator will yield, a call has been put in to him. He is expected to be paged and to return the call to me as quickly as possible.

Mr. BYRD. I thank the Senator.

TIME LIMITATION AGREEMENT

Mr. BYRD. Mr. President, I wonder if the following proposal would meet with the approval of the distinguished Senator from Oregon, namely, that the Senate agree to 30 minutes, equally divided, on the waiver motion, but that if the distinguished Senator from Texas [Mr. GRAMM] wanted an additional 30 minutes, equally divided, that would be a part of the order.

We are going to spend 30 minutes on my waiting and my wife is expecting me to be somewhere fast.

Mr. President, I ask unanimous consent that the time on the waiver be limited to 30 minutes equally divided in accordance with the usual form, that if the distinguished Senator from Texas [Mr. GRAMM] wishes additional time he may have it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. HELMS. Mr. President, reserving the right to object, and I shall not object, I am given to understand that that is satisfactory to Senator GRAMM.

Mr. BYRD. I thank the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators and especially those who have acted as managers of the bill and acting managers.

I yield.

Mr. HELMS. Mr. President, would the Senator allow me to lay down an amendment with the understanding it will be laid aside as may be necessary in the morning?

Mr. BYRD. By consent, if the Senator wishes to get consent.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to lay down an amendment for consideration in the morning and it be laid aside at the pleasure of the manager.

Mr. JOHNSTON. Mr. President, reserving the right to object, would the Senator lay that down for consideration immediately following the vote on the budget waiver?

Mr. HELMS. Absolutely, that is correct.

Mr. BYRD. That amendment is the AIDS amendment?

Mr. HELMS. That is correct.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Chair will point out that when the motion was made for waiver there was an amendment pending by the Republican leader.

Mr. BYRD. Mr. President, is the amendment by Mr. DOLE pending?

The PRESIDING OFFICER. That amendment was pending when the point of order was made.

Mr. BYRD. I would hope that the Senate would exclude Mr. DOLE's amendment so as to allow action on it—I understand it will not take but a very short time—before Mr. JOHNSTON makes his waiver motion and the Chair rules on the point of order, if the Chair should get around to ruling on it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That protects Mr. DOLE, then.

And then Mr. HELMS' amendment would become pending after the waiver motion and the point of order have been disposed of. Am I correct, may I ask the Chair?

The PRESIDING OFFICER. That will be the order.

Mr. BYRD. All right.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 248

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 248.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, insert the following:

"None of the funds appropriated by this Act for the emergency provision of drugs determined to prolong the life of individuals with Acquired Immune Deficiency Syndrome shall be obligated or expended after June 30, 1987, if on that date the President has not, pursuant to his existing power under section 212(a)(6) of the Immigration and Nationality Act, added human immunodeficiency virus infection to the list of dangerous contagious diseases contained in Title 42 of the Code of Federal Regulations.".

STATEMENT ON SYMMS AMENDMENT NO. 236

Mr. DURENBERGER. Mr. President, I rise in support of the Symms amendment, and would urge my colleagues to join us in expediting passage of supplemental funds for the Commodity Credit Corporation. I realize that adoption of this amendment would strike funding for a number of important programs, and want to take this opportunity to pledge my support for efforts to provide funding for those programs in a separate appropriations bill. But, as important as those programs are, it seems to this Senator that we are doing our agricultural communities a great disservice by holding funds for the CCC hostage to our own priorities.

I realize the difficult position the leadership of the Appropriations Committee finds itself in—it is charged with the responsibility of passing a bill which our farmers urgently need. It was for that reason that I voted with the committee to waive the Budget Act for this legislation. Unfortunately, as the waiver vote and the amendment list indicate, very few Members have been able to resist the temptation to demagogue or turn this important legislation into the proverbial "Christmas tree."

Mr. President, it is time to recognize the fact that, by endlessly amending this bill, we are holding up payments to our farmers and the small businesses that service their needs. For my part, I have chosen to refrain from offering amendments because I feel we have an obligation to rural America to release these funds. By further amending this bill we run the very real risk of producing a bill which will be vetoed. And if the Senate can't find 60 votes to waive the Budget Act, how does anyone expect to find 67 votes to override a Presidential veto?

Should Congress find itself unable to muster the votes to override a veto, how would my colleagues suggest I respond to B.E. Budahn of Bongards Creamery, which is owed $13 million by the CCC and is unable to meet its payroll? The only answer I can think of is to pass a clean bill which the President will sign, an objective which the Symms amendment achieves.

91-059 O-89-3 (Pt. 11)

ASSISTANCE TO SOLIDARNOSZ

Mr. BRADLEY. Mr. President, I cosponsored Senate Joint Resolution 115 appropriating $1,000,000 on supplemental fiscal year 1987 assistance to the independent Polish trade union Solidarnosz. In the wake of the recent decision to lift sanctions against the Polish Government, this assistance to Solidarnosz is both timely and appropriate.

There is widespread and lasting support throughout Congress, the executive branch and the American public for giving concrete expression to our endorsement of Solidarnosz' cause—the protection and expansion of the economic, political, and human rights of the Polish people. The established nongovernmental channels for providing assistance to Solidarnosz; namely, the National Endowment for Democracy and the AFL-CIO, have worked well. The NED as a nongovernmental and bipartisan organization, together with the AFL-CIO is the appropriate channel. We should stick with it. The committee amendment before us would permit aid to continue to flow, as it has, to Solidarnosz, through important intermediaries which help legitimize the effort for Polish democracy.

In this context, Mr. President, I would like to underscore the importance of labor's role in acknowledging and supporting Solidarnosz as an independent trade union movement. I would also like to commend the role of the National Endowment for Democracy in working to support democratic processes and human rights in Poland.

$83 MILLION REAPPROPRIATION FOR CHICAGO SCHOOL DESEGREGATION

Mr. SIMON. Mr. President, would the chairman of the subcommittee, yield for a moment to enter into a colloquy?

Mr. CHILES. I would be pleased to yield to my friend from Illinois for that purpose.

Mr. SIMON. I have already spoken to the distinguished chairman of the subcommittee regarding my sincere and strong desire that a matter affecting the Chicago public schools and the department of education be resolved. As the chairman knows, this matter has been pending in the Federal courts since 1980. The distinguished senior Senator from Florida has also indicated to me that he shares my desire to resolve this matter.

In 1980, as part of a desegregation consent decree with the Chicago Board of Education, the executive branch obligated itself to "make every good-faith effort to provide available funds" for the board's extensive system wide desegregation plan. Since 1983, the parties have been involved in extended litigation of the definition and enforcement of the obligation of the Federal Government to honor that obligation. Efforts over the last few months have focused on negotiating a lump-sum payment in settlement of the pending lawsuit. It is in the interest of both sides and in the best interest of others that have been affected by this litigation that this matter be resolved at the earliest possible time.

During the recent negotiations, the board of education proposed to settle the case by transferring $83 million from unspent fiscal year 1983-86 education appropriations to the city of Chicago Board of Education. This lump-sum payment would be derived from funds unobligated at the end of each of those fiscal years and which were placed in escrow by court order during the pendency of this litigation.

I want to emphasize this Senator's interest in resolving this matter now, rather than later. All parties to the litigation having agreed to this proposed settlement, we ought to try and resolve this lengthy dispute at the earliest possible time. The board has agreed to be flexible and to postpone receiving any payments under the settlement until after September 30 of this year.

Mr. CHILES. The gentleman from Illinois is correct and I want to assure my friend from Illinois that I am fully aware of his concerns and his desire to resolve this matter as soon as possible. As he knows, the reappropriated language included in the House bill will cause us to exceed our outlay ceiling in 1987 and therefore I did recommend and the committee agreed to omit this provision. We will certainly be discussing this matter in the conference with the other body and I want to assure my friend and colleague from Illinois that I will listen carefully to the conferees for the other body on this matter and I will keep his desire that this matter be favorably resolved in mind during those discussions.

Mr. SIMON. I thank the gentleman from Florida, the distinguished chairman of the subcommittee, and the chairman of the Appropriations Committee for this time. I welcome his willingness to review this matter in the conference with the other and I hope and expect that this matter can be resolved satisfactorily in view of the Federal Government's obligation and commitment to the city of Chicago's public schools.

A STRONG SIGNAL TO THE POLISH PEOPLE

Mr. DIXON. Mr. President, with the passage of this supplemental appropriations bill, the Senate takes a long overdue and historic step on behalf of the Polish people. By earmarking $1 million for the Democratic Trade Union, NSZZ "Solidarnosc," the U.S. Senate is making a long, lasting impression in the mind of every Polish citizen.

Our message to the Polish people, Mr. President, is that this country shares their democratic values, and is willing to assist them in their struggle for freedom and self determination. I am certain that every Member of this great body believes in what NSZZ "Solidarnosc" stands for, and in the great accomplishments that have occurred under its leadership.

I am proud to have introduced this legislation along with my distinguished colleague, Senator SYMMS. This provision of the supplemental directs the President to administer the $1 million in assistance to NSZZ "Solidarnosc" as he has done in the past, utilizing the existing channels through which this assistance will reach those who need it most inside Poland.

Mr. President, I urge my colleagues who will participate in the House-Senate conference on the supplemental appropriations bill to steadfastly stand behind this provision for NSZZ "Solidarnosc." One million dollars will bring a great deal of resources to the Democratic Trade Union Movement in Poland, and with these resources will come greater autonomy and a greater ability to resist the subjugation and repression regularly perpetrated upon Polish citizens by their government.

CLARIFICATION OF A TECHNICAL AMENDMENT

Mr. INOUYE. Mr. President, last week, the ranking member of the Appropriations Subcommittee on Foreign Operations and I offered a technical amendment to the supplemental appropriations bill. The bill, as reported to the floor, had inadvertently repealed all of section 215 of the Military Construction Appropriations Act which was contained in the continuing resolution for fiscal year 1987. The technical amendment that we offered reinstated paragraph (1) of section 215, which related to expedited procedures for aid to the Contras.

Since that amendment's adoption, questions have been raised about whether that amendment was truly technical in nature, and whether further elaboration of the amendment might have been in order.

I offered that amendment at the request of the Department of State and the ranking member of the Subcommittee on Foreign Operations. The State Department believed that expedited procedures would not be available if paragraph (1) of section 215 were repealed. I did not then and do not now share that view.

It was my impression that section 722 of the International Security and Development Cooperation Act of 1985, which provided expedited procedures in the Senate for consideration of a request by the President of assistance to the Contras, was permanent law. Therefore, it was my view that the availability of expedited procedures for assistance to the Contras would be unaffected by whether or not paragraph (1) of section 215 of the Military

Construction Appropriations Act was repealed.

Therefore, my technical amendment to reinstate paragraph (1) of section 215 did not affect whether expedited procedures were available for the consideration of aid to the Contras in the Senate.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, at the conclusion of my statement, correspondence with the General Accounting Office and the American Law Division of the Congressional Research Service. The legal analyses prepared by these two offices confirm my reading of the law.

I hope that these letters clarify this situation for my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC., May 22, 1987.

Hon. CHARLES A. BOWSHER,
Comptroller General of the United States, U.S. General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: The question of whether expedited procedures apply to the President's request for additional assistance to the Contras is under active consideration in the Senate.

It is my impression that under section 722 of the International Security and Development Cooperation Act of 1985 expedited procedures are available in the Senate for the consideration of the President's request for military assistance to the Nicaraguan Democratic Resistance (fiscal year 1988 Budget Appendix I-D27). Is that a correct reading of the law?

It is also my impression that the President's request for assistance to the Nicaraguan Democratic Resistance would be entitled to expedited procedures in the Senate during fiscal year 1987 (i.e., until September 30, 1987) even if section 215 of the Military Construction Title of Public Law 99-591 were repealed. Is that a correct reading of the law?

It is essential that the General Accounting Office answer these questions by the end of business, Tuesday, May 26. If you have any questions about this matter, please contact Mr. Richard Collins or Mr. James Cubie of the Subcommittee staff (224-7205).

I very much appreciate your assistance in this matter.

Sincerely,

DANIEL K. INOUYE,
Chairman, Senate Appropriations Subcommittee on Foreign Operations.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC., May 22, 1987.

MR. RICHARD C. EHLKE,
Chief, The American Law Division, Congressional Research Service, Madison Building, Library of Congress, Washington, DC.

DEAR MR. EHLKE: The question of whether expedited procedures apply to the President's request for additional assistance to the Contras is under active consideration in the Senate.

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I very much appreciate your assistance in this matter.

Sincerely,

DANIEL K. INOUYE,
Chairman, Senate Appropriations Subcommittee on Foreign Operations.

OFFICE OF THE GENERAL COUNSEL,
Washington, DC., May 26, 1987.
B-225832.4

Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your letter dated May 22, 1987, requesting the views of this Office on the applicability of certain House and Senate expedited procedures set forth in the International Security and Development Cooperation Act of 1985, (ISDCA), Pub. L. No. 99-83, § 722, 99 Stat. 190, 258 (1985), to the Administration's recent budget request for $105,000,000 is assistance to the Nicaraguan Democratic Resistance.

As set forth below, the expedited procedures set forth in ISDCA appear to be available in the Senate for the consideration of the President's fiscal year 1988 budget request for assistance to the Nicaraguan Democratic Resistance. Further, the applicability of the Senate expedited procedures to the President's request does not appear to be dependent on the extension of the provisions of section 722 of ISDCA by section 215 of Title II of the Military Construction Appropriations Act, 1987. Because of the necessarily short period of time available to prepare this letter, our conclusions represent only the tentative opinion of this Office. Further, these provisions deal with the rules of the Senate and, accordingly, the final authority to interpret these provisions rests with the Senate itself.

BACKGROUND

Subsection 722(p) of the International Security and Development Cooperation Act of 1985, Pub. L. No. 99-83, 99 Stat. 190, 258 (1985) (ISDCA), provides for submission by the President of requests for "budget and other authority to provide additional assistance for the Nicaraguan democratic resistance."

Subsection (s) of section 722 provides for expedited consideration of "a joint resolution with repect to the request submitted by the President pursuant to subsection (p)" in the House of Representatives. The expedited House procedures include time limits on committee consideration and expedited parliamentary procedures. The provisions specifically were to apply "during the 99th Congress." 99 Stat. 258.

Subsection (t) of section 722 provides for generally similar expedited procedures in the Senate, incorporating by reference certain procedures set forth in the Department of Defense Appropriations Act, 1985, Pub. L. 98-473, § 8065, 98 Stat. 1837, 1935-36 (1984). The Senate procedures, however, were not limited to the 99th Congress.

Section 215 of Title II of the Military Construction Appropriations Act, 1987, Pub. L. No. 99-591, 100 Stat. 3341, 3341-307 (1986) provides as follows:

"The provisions of subsection (s) and (t) of section 722 of the International Security and Development Cooperation Act of 1985 shall apply—

"(1) with respect to any request described in section 722(p) of such Act submitted by the President to the Congress on or after the date of enactment of this title, and

"(2) with respect to any request by the President for additional economic assistance for the Central American democracies * * * "except that, for purposes of consideration in a House of Congress of a joint resolution under subsection (s) or (t) of such section, amendments to such a joint resolution may be in order but only if such amendments are germane."

ANALYSIS

The specific questions posed in your May 22 letter and our conclusions in each case are set forth below. Your first question is as follows:

"It is my impression that under section 722 of the International Security and Development Cooperation Act of 1985 expedited procedures are available in the Senate for the consideration of the President's request for military assistance to the Nicaraguan Democratic Resistance (fiscal year 1988 Budget Appendix I-D27). Is that a correct reading of the law?"

We conclude that the expedited procedures set forth in ISDCA appear to be available in the Senate for the consideration of the President's fiscal year 1988 budget request for $105,000,000 in assistance to the Nicaraguan Democratic Resistance. Whatever the time period initially covered by the House and Senate expedited procedures set forth in section 722 of ISDCA, those procedures were made applicable to the President's fiscal year 1988 request by section 215 of Title II of the Military Construction Appropriation Act, 1987, quoted above. Section 215 incorporated by reference the procedures set forth in subsections (s) and (t), with some changes, and made them applicable to any request made by the President pursuant to ISDCA "on or after the date of enactment" of that Act. Accordingly, the expedited procedures appear to be available in the Senate for consideration of the President's fiscal year 1988 budget request for $105,000,000 for the Nicaraguan Democratic Resistance.

Your second question is as follows: "It is also my impression that the President's request for assistance to the Nicaraguan Democratic Resistance would be entitled to expedited procedures in the Senate during fiscal year 1987 (i.e., until September 30, 1987) even if section 215 of the Military Construction Title of P.L. 99-591 were re-

pealed. Is that a correct reading of the law?"

The President's $105,000,000 fiscal year 1988 budget request for aid to the Resistance would appear to be entitled to expedited procedures in the Senate even were section 215 of the Military Construction Appropriations Act, 1987, repealed. Initially, although the President's request is for fiscal year 1988, it was submitted within the fiscal year 1986-87 coverage of the authorizations in ISDCA. That Act authorized international development and security assistance programs "for fiscal years 1986 and 1987." 99 Stat. 190.

Additionally, the Senate expedited procedures in subsection 722(t) of ISDCA do not expire at the end of the fiscal year 1987, but rather are applicable to any request made by the President after enactment of that Act. ISDCA is an authorization act, not an appropriation act, and accordingly is not subject to the presumption that any provision in an annual appropriation act is effective only for the covered fiscal year. 65 Comp. Gen. 588, 593 (1986). Further, subsection 722(p) of ISDCA, which authorizes the President to submit requests for additional funding for the Resistance, is applicable to such requests made "at any time" after enactment. The phrase, "at any time," constitutes "words of futurity," indicating that that provision and its associated subsections (s) and (t) are permanent legislation. 24 Comp. Gen. 436 (1944).

The House expedited procedures are specifically limited to consideration of requests "during the 99th Congress." There is no such limitation, however, in the Senate procedures. Accordingly, the applicability of the Senate expedited procedures to the President's request does not appear to be dependent on the extension of the provisions of section 722 of ISDCA by section 215 of Title II of the Military Construction Appropriations Act, 1987.

This letter will be available for release to the public 30 days from today, unless released earlier by you or your staff.

Sincerely yours,

HARRY R. VAN CLEVE,
General Counsel.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC., May 27, 1987.

To: Senate Appropriations Committee, Subcommittee on Foreign Operations, Attn.: James Cubie.

From: American Law Division.

Subject: Whether Expedited Procedures Set Forth in Section 722 of the International Security and Development Cooperation Act of 1985 Apply to Senate Consideration of Contra Aid for fiscal year 1988 and Whether the Applicability of Those Procedures Would Be Affected By Repeal of section 215 of the Military Construction Appropriation, fiscal year 1987, as Enacted in Continuing Appropriations, fiscal year 1987 (Pub. L. 99-591).

This memorandum preliminarily examines the subject captioned above. While time constraints preclude an exhaustive analysis at this time, it may appear that the procedures set forth in section 722 of the International Security and Development Cooperation Act of 1985 (ISDCA) (Pub. L. 99-83) would apply to Senate consideration of a request for aid to the Nicaraguan democratic resistance (Contras) for fiscal year 1988. Apparently more problematic is whether those procedures would apply if section 215 of the Military Construction Appropriations, fiscal year 1987 (Milcon) were to be repealed. On balance, however, it may appear that they still would.

The ISDCA, enacted August 8, 1985, authorized $27 million for humanitarian assistance to the Nicaraguan democratic resistance, such assistance to remain available for obligation through March 1986. ISDCA, sec. 722(g). At the same time, the ISDCA authorized the President to request additional assistance as follows:

SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, or

(2) other trade and economic measures have failed to resolve the conflict,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.—ISDCA, § 722(p).

The ISDCA further sets forth expedited procedures for Senate consideration of such a presidential request:

SENATE PROCEDURES.—A joint resolution which is introduced in the Senate within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (p) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (p) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to the Committees on Appropriations of the Senate shall be deemed to be references to the appropriate committee or committees of the Senate; and

(2) amendments to the joint resolution are in order.—ISDCA, sec. 722(t).

A fourth provision of the ISDCA characterizes its expedited procedure provisions as follows:

CONGRESSIONAL RULEMAKING POWERS.—Subsections (n), (o), (s), and (t) are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.—ISDCA, sec. 722(u).

Title II of the Milcon, enacted October 30, 1986, transferred $100 million of appropriations made in the DOD appropriation, fiscal year 1986, to the President for the purpose of aiding the Contras. Milcon, sec. 206. Like the ISDCA, it also contained a section concerning requests for additional assistance. That section in part provides:

The provisions of subsections (s) and (t) of section 722 of the International Security and Development Cooperation Act of 1985 shall apply—

(1) with respect to any request described in section 722(p) of such Act submitted by the President to the Congress on or after the date of enactment of this title,

* * * * *

except that, for purposes of consideration in a House of Congress of a joint resolution under subsection (s) or (t) of such section, amendments to such a joint resolution may be in order but only if such amendments are germane.—Milcon, § 215.

Your first question concerns whether these provisions make expedited procedures applicable to Senate consideration of a presidential request for assistance to the Contras for fiscal year 1988. Neither section 722(p) of the ISDCA, which pertains to "a request for budget and other authority" submitted "at any time after the enactment of the Act", nor section 215 of the Milcon, which pertains to "any request described in section 722(p) of the [ISDCA] submitted . . . on or after the date of enactment of this title", would appear to be limited either as to the time by which a request must be submitted in order to be considered on an expedited basis or as to the period for which assistance so considered may be made available. One perhaps could argue that expedited procedures are not to apply to a FY 1988 budget request because the procedures of the ISDCA and the Milcon were to pertain only to requests for additional funds for the periods for which those statutes authorized or appropriated funds, respectively. The plain language of futurity of these provisions would not appear to support such an argument, however. Furthermore, the rather sparse legislative history also appears to indicate that the expedited procedures could apply to requests for funds for additional periods. For example, Senator Dole, in cosponsoring provisions giving assistance through FY 1987 that later became the basis of the Milcon Contra aid package, explained his proposal as follows:

Finally, the amendment provides the Contras the wherewithal they need, when they need it, to be an effective part of the overall strategy. During those initial months when the negotiating option is being intensively explored, it provides them humanitarian and self-defense aid and expanded training. If the negotiating option runs into another Sandinista stone wall, as so many have in the past, it provides the Contras the Weaponry they need to keep up the pressure on Managua. And if, at the end of the effective period of this legislation, the President determines that additional legislation or resources are needed, it provides him expedited procedures to seek congressional approval.

132 Cong. Reg. S3688 (Daily ed. March 27, 1986) (emphasis added).

Less clear than the applicability of the expedited procedures of the ISDCA to a request for Contra aid for fiscal year 1988 is the continued applicability of those procedures were section 215 of the Milcon to be repealed. The expedited procedure provisions of the ISDCA appear, at least as they pertain to the Senate, to be unlimited in duration. Nevertheless, Congress one year later enacted substantially similar procedural provisions in the Milcon. The intended purpose of the Milcon provision thus may

not be clear, and the legislative history does little to illuminate further congressional intent. One interpretation of the Milcon provision may be that its primary purpose was to allow more than one request of the type described in section 722(p) of the ISDCA to be considered pursuant to the expedited procedures of sections 722(s) (House) and (t) (Senate). As enacted, section 722(p) authorized the President to submit "a" request for additional assistance, while section 722(s) (House procedures) refers to consideration of "the" request submitted by the President. The Senate procedures set forth in section 722(t) do not appear to contemplate a single request, however. A more plausible explanation of section 215 of the Milcon is that its primary purpose was to permit expedited consideration of Contra aid requests in the House after the 99th Congress. As enacted, the section 722(s) of the ISDCA limited expedited House consideration under it to the duration of the 99th Congress only. Support for the position that section 215 was intended to extend expedited House consideration may be found in the following explanation of Senator Lugar of the precursor to the Milcon language that he sponsored with Senator Dole:

Section 13. Request for Additional Assistance: This section confirms that if the President asks for additional aid for the democratic resistance, that request will be expedited *in both the House* and Senate.

132 Cong. Rec. S3642 (daily ed. March 27, 1986) (emphasis added)

If the primary purpose of section 215 Milcon was to permit expedited House consideration after the 99th Congress, then it may appear that it was not intended to supplant section 722 of the ISDCA for all purposes. If this is so, then the underlying provisions of the ISDCA may survive repeal of section 215. While the language and history of the Milcon remain somewhat murky, at least two considerations arguably might favor survival of expedited Senate considerations. First, the limitation of the express repeal to the Milcon may be evidence that the implied repeal of ISDCA is unwarranted. Second, we have found no statement in the history of section 215 of the Milcon to the effect that Congress considered that its enactment would repeal section 722 of ISDCA by implication.

Moreover, if the ISDCA provisions do survive, then the expedited Senate procedures presumably still might apply to consideration of contra aid requests, a repeal of section 215 notwithstanding. The legislative history of the ISDCA is not express on the duration of the expedited procedure provision. However, Congress did not specifically limit in the ISDCA the duration of the expedited procedure provision, but rather used words of futurity indicating that any future request by the President that complied with the requirements of section 722(p) could be considered on an expedited basis. Section 722(t) appears to refer open-endedly to any request described in section 722(p). Section 722(p), in turn, does not provide the President with limited durational authority to request contra aid, a power that he clearly possesses in any event, but rather appears to describe a certain type of presidential request submitted "at any time after the enactment of this Act." Furthermore, the expedited procedure provisions do not appear related textually to the general appropriation authorization provisions of the ISDCA, which authorize certain appropriations to be made by Congress within specified periods. Rather, the expedited procedure provisions appear to be a separate, unrelated exercise of congressional rulemaking authority and is to be governed and modified by the separate rulemaking authority of each House. It may appear strained to conclude that the enactment of the expedited procedures is bound to and defined by the exercise of authorization authority found elsewhere in the ISDCA.

LARRY EIG,
Legislative Attorney,
American Law Division.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 3 minutes and that when Mr. MATSUNAGA, if he is recognized by the Chair, completes his introduction of a bill and that he be permitted to speak during that 3 minutes at the end the Chair adjourn the Senate over until tomorrow under the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

69TH ANNIVERSARY OF ARMENIAN INDEPENDENCE

Mr. RIEGLE. Mr. President, today marks the 69th anniversary of the proclamation of independence by the Armenian people from Soviet and Turkish domination. It is a day when people of Armenian descent throughout the world remember their past and renew their call for freedom and independence for modern day Armenia.

Armenia's rich culture dates back more than 25 centuries. During their 2,000 years of autonomous existence, the Armenian people developed an intricate, productive society in their beautiful and rugged land. Autonomy ended abruptly, however, with the fall of the Byzantine Empire in the early 16th century. Armenia fell under the subjugation of the Ottoman Turks, who controlled the country for the next 600 years.

Despite the persecution inflicted on the Armenians for six centuries, the Turks were unable to destroy the pride or slow the growing nationalism of the Armenian people. The Ottoman rulers saw the Armenians' national spirit as a dangerous threat to their huge empire. In the waning days of the 19th century, the Turkish occupiers sought to silence this proud nation. Literally hundreds of thousands of Armenian men, women, and children were slaughtered or starved during periodic massacres in the year preceding World War I. But the oppressors still were not satisfied.

With the world distracted by war, the Turkish leaders, in 1915, began a policy to exterminate the Armenian people, thus perpetrating the first genocide of the 20th century. Between 1915 and 1923, an estimated 1.5 million Armenians were tortured, killed outright or deported in massive death marches to the deserts of what is now Syria and Iraq. These carefully planned atrocities, which virtually eliminated the Armenian community of the Ottoman Empire, will always be remembered as one of the most starkly tragic and devastating episodes in modern history.

Yet the resilient Armenian people survived. Even genocide could not crush their nationalistic spirit. The few survivors of the massacres of 1915 congregated in the northeastern corner of their homeland to await the defeat of the Turks by the democratic allies. Freedom and national self-determination, as advocated by President Woodrow Wilson, became symbols of destiny for these people. In 1918, an ill-equipped Armenian army of refugees and volunteers from abroad defeated an invading Turkish force and, on May 28 of that year, proclaimed Armenia's freedom and independence.

Tragically, this freedom, which was bought at such a high cost in human suffering, lasted only a brief time. The Armenian people had barely begun to establish a democratic society when they were once again robbed of their freedom. After only 2 short years, a joint attack of Russian and Turkish forces destroyed the youthful Armenian Republic. Part of the country was retaken by the Turks, while the remainder was absorbed into a new Soviet republic.

Yet it would be a grave error to consider the Armenian case forgotten or their story completed. Throughout centuries of persecution, the Armenian people maintained a unique religious, cultural and linguistic identity, which continues to thrive today—thanks to their preseverance and courage.

As we commemorate Armenian Independence Day, we pay special tribute to the Armenian-American community, which has made tremendous contributions to our political, economic, educational and artistic life in this country. One of the most important efforts undertaken by the Armenian-American community in Michigan is the establishment of an Armenian Study Center at the University of Michigan in Dearborn, whose dedication I was proud to attend last spring. This center, brought into being through the efforts of the some 60,000 Armenian Americans in Michigan, will greatly enhance the world's understanding of the Armenians' story.

Despite the persecution which the Armenian people have endured through the ages, their spirit continues to shine brightly as a symbol of freedom throughout the world. We share their steadfast hope that freedom will be returned to their nation and their loved ones living today under Soviet occupation. And so, on this anniversary of Armenian inde-

pendence, let us rededicate ourselves to their cause and to that of all people still struggling to regain their lost freedom.

FISCAL YEAR 1988 NASA AUTHORIZATION BILL, S. 1164

Mr. PRESSLER. Mr. President, I would like to take this opportunity to comment on the recent action of the Committee on Commerce, Science, and Transportation regarding the fiscal year 1988 NASA authorization bill. On May 14, the Commerce Committee ordered to be reported, as amended, S. 1164, the fiscal year 1988 NASA authorization bill, that I, along with the chairman of the Commerce Committee, Senator HOLLINGS and the chairman of the Subcommittee on Science, Technology, and Space, Senator RIEGLE, offered for consideration by the committee.

Before I mention the specifics of the bill itself, I would first like to recognize Senator RIEGLE for his excellent work in developing this legislation. This bill reflects the diligence and hard work that he has demonstrated this spring during the course of the subcommittee's NASA authorization hearings. I commend him for his efforts and for his role in the development of this legislation. Furthermore, I would like to compliment the subcommittee staff members—Marty Kress, John Graykowski, and Pete Perkins—for their insight and assistance in drafting this bill.

In authorizing $9,621 billion for NASA in fiscal year 1988, the committee has addressed NASA's needs as we know them today. This is not to say, however, that this authorization bill is a panacea for NASA. Even though 16 months have elapsed since the *Challenger* accident, NASA is still faced with the awesome task of returning the shuttle to a safe flight status, of maintaining some semblance of vitality in its space science and applications programs, and, what may be the most difficult of all tasks, of restoring morale and purpose to the thousands of dedicated NASA employees.

Certainly, these are not insignificant tasks, and each of them imposes significant pressures on NASA's budget. Yet, the Commerce Committee is well aware of the constrained budget climate that exists today, and this authorization bill reflects the responsibility that is required of each committee in authorizing and appropriating funds for our Federal agencies.

Mr. President, not only does this authorization support NASA's ongoing aeronautical and space research and development activities, but, just as significantly, it accommodates the budget requirements for two urgent needs that were not in the administration's fiscal year 1988 budget request.

The first of these urgent needs is an authorization of $100 million for NASA to initiate the procurement of expendable launch vehicles [ELV's] for some of its most critical upcoming missions. In the aftermath of the *Challenger* accident, we have learned that we can no longer rely solely on the shuttle for our space transportation needs. Expendable launch vehicles are a necessity; they are no longer a luxury. Our previous space policy of phasing out the use of ELV's has been rendered obsolete and inappropriate by events of the past year. We have no other choice but to initiate this ELV procurement if we expect to have a serious civil space program. Therefore, this $100 million authorization is a downpayment for four ELV's that will help minimize launch pressure on the shuttle and enable the earlier deployment of certain space science and other crucial NASA payloads.

The second of these two urgent needs is a $41 million authorization for repairs and modernization to the 12-foot wind tunnel at NASA'a Ames Research Center. Just recently, NASA discovered significant structural defects in this 43-year-old wind tunnel. This wind tunnel is important to our national aeronautical capabilities and to the success of all of our commercial and military aeronautical development programs. As foreign competition continues to narrow our once unchallenged superiority in aeronautical technology and sales, it is imperative that NASA restore this wind tunnel to its full capability.

Mr. President, this bill is noteworthy in that it provides the President's request of $767 million for the space station program. This committee's previous and current support of this program reflects the space station's high priority within the committee, along with its importance to our Nation's future leadership in space. Moreover, at a time when the Soviet Union is making significant progress in its own space station program, which, I might add, has been operational since 1971, we cannot afford to be too casual in developing our own permanently manned presence in space. Therefore, I am pleased that this legislation fully funds the space station program, which truly is our next logical step in space.

This bill also reflects the committee's continued belief that there should be a balance among NASA's programs, particularly with respect to NASA's Space Science and Applications programs vis-a-vis the total NASA budget. This balance is demonstrated in the restoration of funds for the advanced communications technology satellite [ACTS] program so that this satellite will stay on schedule for launch availability in 1990.

Regrettably, this restoration of funds for ACTS is an annual "rite of spring" that the Commerce Committee and Congress are forced to perform, since the administration routinely excludes from NASA's budget request funding for ACTS. That Congress continues to fund ACTS in this period of tight budgets is a testimony to the belief that ACTS is critical to the maintenance of our competitive edge in the world communications satellite market.

Mr. President, I am expecially pleased at the outcome of this bill in funding for NASA's space science programs, which have suffered considerably due to the effects of the *Challenger* accident. For example, as a result of the hiatus in shuttle launches and in the future constrained launch capability, NASA has had to cancel approximately 33 space science missions that were scheduled to fly aboard the shuttle from 1986 to 1992. For the 17 space science missions from that same period that have not been canceled, they are being delayed an average of 3 years each. This legislation fully funds NASA's space science programs and augments the *Explorer* and suborbital programs to partially compensate for the adverse effects of the *Challenger* accident.

As for the National Aerospace Plane Program, the Commerce Committee chose to authorize the President's request of $66 million. The committee believes that this program represents an important opportunity for revolutionary advances in aeronautical and space flight capabilities, not only for NASA, but also for our future national security requirements.

Mr. President, one section in this bill that warrants special mention is that which deals with the authorization of funds for space shuttle recovery actions. These actions include primarily the implementation of the recommendations of the Rogers Commission and other safety-related changes to the shuttle system identified in the aftermath of the *Challenger* accident. Specifically, the shuttle recovery effort includes the redesign of the shuttle's solid rocket boosters, major changes in the shuttle's main engines, critical modifications to the orbiter, and the provision of a shuttle crew escape module, to name a few. At the beginning of this year, the cost of implementing these changes was estimated to be approximately $1.8 billion, with about $400 million of those changes budgeted for fiscal year 1988.

Now, however, based on preliminary briefings from NASA, it appears that NASA may require another $350 million in fiscal year 1988 for additional shuttle recovery actions—actions that must be fulfilled before the shuttle resumes flight in mid-1988. Although these additional fiscal year 1988 shuttle recovery requirements have not yet been precisely quantified, once they

are, NASA is expected to submit to Congress an amendment to its fiscal year 1988 budget request. However, without formal notification of the magnitude of these additional fiscal year 1988 budget requirements, the Commerce Committee was unable to authorize the precise amount required for fiscal year 1988. Therefore, in anticipation of this formal amendment to the fiscal year 1988 request, the Committee has authorized "such sums as may be necessary" to return the shuttle to a safe flight status.

Surely, some of my colleagues may think that authorizing "such sums as necessary" is not a responsible way to authorize. Certainly, it is not the committee's preferred method of authorizing. Yet, we are dealing with extreme and extenuating circumstances. Our space program must continue, and integral to our space program is a safe and dependable shuttle system. If we expect to fly the shuttle again, with confidence, we must be prepared to honestly address these additional budget requirements. When these additional budget requirements are submitted to Congress, the committee and the Senate will be able to negotiate them as part of the NASA authorization conference with the House. Until then, the committee believes that authorizing "such sums as necessary" keeps open the door for a final determination of this authorization.

Mr. Chairman, I would now like to comment on one issue that this bill does not address—that of NASA's difficulty in attracting and retaining the best talent available during this critical recovery period. Of course, attracting and retaining competent and qualified personnel is a problem for all Federal agencies, but in the aftermath of the *Challenger* accident, NASA's needs are particularly acute. This problem is exacerbated by the fact that retired commissioned officers and retired civilian Government employees are prohibited from receiving their full retirement benefits if they return to Government service. Under these conditions, NASA finds it difficult to compete with universities and private industry, which do not operate under such restrictive conditions.

The administration has recognized NASA's special problem and included in its NASA authorization bill a provision that would give the NASA administrator the authority for 2 years to hire up to 15 retired commissioned officers and/or retired civilian Government employees who would still receive their full salary and suffer no reductions in their military or Federal retirement benefits.

However, since the Governmental Affairs Committee has the rightful jurisdiction over this issue, the Commerce Committee did not consider this provision of the administration's request. I regret that the Commerce Committee did not address this issue, because I believe that the Commerce Committee is best qualified to understand how this problem is affecting NASA during this recovery period. Yet, I recognize the jurisdictional responsibilities of the two committees involved and, for that reason, did not offer an amendment to rectify this personnel problem at NASA. Furthermore, it is my understanding that the Governmental Affairs Committee intends to hold hearings this summer on this and other personnel issues.

If Congress expects our space program to demonstrate the leadership that it exhibited during the *Apollo* period, we must be prepared to create and maintain an environment at NASA that is not only stimulating but also rewarding. We can recommend the right programs and policies for our space program, but, without the right people to execute these programs and policies, our efforts are in vain. I hope that my colleagues will join me in urging the Governmental Affairs Committee to consider this issue on a timely basis and to recommend the appropriate legislation.

Mr. President, in closing, I emphasize that the fiscal year 1988 NASA authorization bill as ordered to be reported by the Commerce Committee is a responsible piece of legislation. Not only does it address honestly NASA's requirements during this period of budgetary constraints, but it also provides the support that is critical to the continued leadership of our civil aeronautics and space program. I urge my colleagues to support this legislation when it is presented for consideration.

DEATH OF MATT LOCKE, FORMER CLEMSON UNIVERSITY STUDENT BODY PRESIDENT AND PAGE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fine young man from South Carolina, Matt Locke, who died recently after a long fight with cancer. To his lovely wife, his family, and his friends I extend my deepest sympathy.

Mr. President, Matt Locke exemplified the true values of an exceptional human being, and it is especially tragic that a young man so fully in love with life would die at such a young age.

Matt Locke was born and raised in Honea Path, SC. He was an upright young man, who was taught correct principles by his parents and teachers and grew into a well-liked, well-respected individual. During his youth, he was active in the 4-H Club and assumed leadership roles in high school as student body president at Belton Honea Path High School. Attending college at Clemson University, he was active within the community and in school. He volunteered a considerable amount of his time to the Baptist student ministry and was elected student body president in 1985-86.

Clemson University had its biggest voter turn-out in 1985 when Matt ran for president. He was the most-favored candidate on the slate and was liked and respected by a broad spectrum of people including the faculty. His friendly, agreeable personality attracted people of all types who loved to be in his presence.

He graduated from Clemson University with a degree in Political Science in May 1986 and married, a fine young woman, Lisa Knight, in August. Shortly after their marriage he discovered that he had lymphoma, a form of cancer. Even though this was a terrible tragedy, he considered it a trial in his life and fought to overcome it with courage and an amazing will to live.

During his illness, he continued to serve others and worked as Youth Director at Pope Drive Baptist church in Anderson, SC. He taught the youth to stand fast in the face of opposition and hardship and did so by setting an example for these young people.

Matt Locke worked for me several years ago, and it was this love for life that radiated from him that made everyone in the office enjoy his company. I never met anyone who had a bad thing to say about Matt. In today's world, that, in itself, is a remarkable accomplishment. Indeed everyone who associated with this exceptional young man came to admire, respect, and even love him. I count myself as one of those people who were fortunate enough to have known and been associated with Matt Locke.

Had he lived, I have no doubt Matt would have aspired to public service and been a tremendous asset to this country by carrying with him the same determination to others and dedication to hard work and values that were his trademark.

He was a leader, and in a real sense, a hero. He was a young man of great courage and compassion who loved his family, friends, his community and his country. I have never known a finer young man, and his death is a tragic loss for everyone who knew him. However the life he led was a shining example for all of us to follow.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 99-603, announces the appointment of the following individuals to the Commission for the Study of International Migration and Cooperative Economic Development: Mr. Michael J. Teitelbaum, of New York, New York; Dr. Esther Lee Yao, of Houston, Texas; and Mr. Edward Riviera, of Sacramento, California.

MESSAGES FROM THE HOUSE

At 10:37 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 70. Joint resolution commemorating the 40th anniversary of the Marshall plan.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 280. Joint resolution to observe the 300th commencement exercise at the Ohio State University on June 12, 1987.

ENROLLED JOINT RESOLUTION SIGNED

At 11:07 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 70. Joint resolution commemorating the 40th anniversary of the Marshall plan.

The enrolled joint resolution was subsequently signed by the President pro tempore.

At 4:35 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1004. An act to direct the Secretary of Agriculture to convey certain National Forest System lands to Unicoi County, TN, and for other purposes;

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1205. An act to direct the Secretary of Agriculture to release a reversionary interest of the United States on certain land located in Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida;

H.R. 1659. An act to amend title 38, United States Code, to increase the per diem rates for payments by the Veterans' Administration to States for hospital care, domiciliary care, and nursing home care provided to veterans in State homes, and for other purposes;

H.R. 1939. An act to provide for continuing interpretation of the Constitution on appropriate units of the National Park System by the Secretary of the Interior, and for other purposes;

H.R. 1947. An act to amend title 5, United States Code, to provide enhanced retirement credit for U.S. magistrates;

H.R. 2166. An act to amend the Small Business Act and the Small Business Investment Act; and

H.J. Res. 283. Joint resolution recognizing the service and contributions of the Honorable Wilbur J. Cohen.

At 5:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 900. An act to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 131. A concurrent resolution providing for the attendance of Representatives, Senators, and other appropriate persons at a special ceremony and related events to be held in Philadelphia, PA, in honor of the bicentennial of the Constitution and in commemoration of the Great Compromise of the Constitutional Convention.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 900. An act to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1004. An act to direct the Secretary of Agriculture to convey certain National Forest System lands to Unicoi County, TN, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order; to the Committee on the Judiciary.

H.R. 1205. An act to direct the Secretary of Agriculture to release a reversionary interest of the United States on certain land located in Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida; to the Committee on Energy and Natural Resources.

H.R. 1939. An act to provide for continuing interpretation of the Constitution on appropriate units of the National Park System by the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2166. An act to amend the Small Business Act and the Small Business Investment Act; to the Committee on Small Business.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 28, 1987, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 70. Joint resolution commemorating the 40th anniversary of the Marshal plan.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 223. An original resolution relating to the purchase of calendars; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1281. A bill to amend Public Law 97-360, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. GRASSLEY, Ms. MIKULSKI, Mr. SIMON, and Mr. PROXMIRE):

S. 1282. A bill to provide for the imposition of sanctions against countries supporting international terrorism, and for other purposes; to the Committee on Foreign Relations.

By Mr. WEICKER:

S. 1283. A bill to amend title XIX of the Social Security Act to require States to provide coverage under their Medicaid plans for certain children with extraordinary expenses for medical and remedial care; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1284. A bill to extend the date that an application must be filed for former spouses to receive certain retirement benefits under chapter 83 of title 5, United States Code; to the Committee on Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. COCHRAN, and Mr. STEVENS):

S. 1285. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. SHELBY:

S. 1286. A bill to amend the Tennessee Valley Authority Act of 1933; to the Committee on Environment and Public Works.

By Mr. DASCHLE:

S. 1287. A bill to provide interim relief to the Farm Credit System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GARN (for himself, Mr. ARMSTRONG, Mr. CHAFEE, Mr. COCHRAN, Mr. DANFORTH, Mr. DOLE, Mr. DURENBERGER, Mr. GRAMM, Mr. HATCH, Mr. HUMPHREY, Mr. KARNES, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. STAFFORD, Mr. SYMMS, Mr. TRIBLE, Mr. ADAMS, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. CONRAD, Mr. DECONCINI, Mr. FOWLER, Mr. GORE, Mr. HEFLIN, Mr. INOUYE, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. NUNN, and Mr. BOND):

S. 1288. A bill to designate July 20 of each year as "Space Exploration Day"; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1289. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

By Mr. SASSER (for himself and Mr. GORE):

S. 1290. A bill to direct the Secretary of the Interior to acquire certain real property adjacent to the Andrew Johnson National Historic Site in Greeneville, TN, for inclusion within the national cemetery located in that site; to the Committee on Energy and Natural Resources.

By Mr. WILSON:

S. 1291. A bill for the relief of Joeri DeBeer; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 1292. A bill to amend the Merchant Marine Act, 1920, to require vessels used to transport sewage sludge to be built in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself and Mr. COHEN):

S. 1293. A bill to amend the Ethics in Government Act of 1978 to provide a continuing authorization for independent counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. WEICKER, Mr. INOUYE, Mr. MURKOWSKI, Mr. BINGAMAN, and Mr. HECHT):

S. 1294. A bill to promote the development of technologies which will enable fuel cells to use alternative fuel sources; to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA (for himself, Mr. WEICKER, Mr. INOUYE, Mr. MURKOWSKI, and Mr. BINGAMAN):

S. 1295. A bill to develop a national policy for the utilization of fuel cell technology; to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA:

S. 1296. A bill to establish a hydrogen research and development program; to the Committee on Energy and Natural Resources.

By Mr. SANFORD (for himself and Mr. HELMS):

S.J. Res. 138. Joint resolution to designate the period commencing on July 13, 1987, and ending on July 26, 1987, as "U.S. Olympic Festival—'87 Celebration", and to designate July 17, 1987, as "U.S. Olympic Festival—'87 Day"; to the Committee on the Judiciary.

By Mr. GARN (for himself, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DURENBERGER, Mr. GRAMM, Mr. HATCH, Mr. HELMS, Mr. HUMPHREY, Mr. KARNES, Mr. KASTEN, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. SYMMS, Mr. THURMOND, Mr. TRIBLE, Mr. WALLOP, Mr. ADAMS, Mr. BENTSEN, Mr. BOREN, Mr. BRADLEY, Mr. BURDICK, Mr. CHILES, Mr. CONRAD, Mr. DECONCINI, Mr. DODD, Mr. FOWLER, Mr. GORE, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, Mr. STENNIS, and Mr. BOND):

S.J. Res. 139. A joint resolution to designate July 20, 1987, as "Space Exploration Day"; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. WILSON, Mr. CRANSTON, Mr. BYRD, Mr. DOLE, Mr. GRAHAM, Mr. BRADLEY, Mr. THURMOND, Mr. KENNEDY, Mr. MCCLURE, Mr. MCCAIN, Mr. BURDICK, Mr. INOUYE, Mr. KARNES, Mr. D'AMATO, Mr. LUGAR, Mr. JOHNSTON, Mr. DOMENICI, Mr. LAUTENBERG, Mr. BOSCHWITZ, Mr. EVANS, Mr. PELL, Mr. QUAYLE, Mr. NUNN, Mr. SANFORD, Mr. REID, Mr. CHAFEE, Mr. HATFIELD, Mr. DURENBERGER, Mr. DECONCINI, Mr. BUMPERS, Mr. MURKOWSKI, Mr. WALLOP, Mr. MATSUNAGA, Mr. GARN, Mr. HUMPHREY, Mr. MITCHELL, Mr. PROXMIRE, Mr. RIEGLE, Mr. HELMS, Mr. PACKWOOD, Mr. BOND, Mr. SYMMS, Ms. MIKULSKI, Mr. GRASSLEY, Mr. GRAMM, Mr. WEICKER, Mr. HEINZ, Mr. KERRY, Mr. LEVIN, Mr. PRYOR, Mr. BOREN, and Mr. SPECTER):

S.J. Res. 140. A joint resolution to designate the week beginning July 13, 1987, as "Snow White Week"; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. BOREN, Mr. BRADLEY, Mr. DASCHLE, Mr. DECONCINI, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GORE, Mr. HEFLIN, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. LUGAR, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, and Mr. STEVENS):

S.J. Res. 141. A joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 223. An original resolution relating to the purchase of calendars; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1281. A bill to amend Public Law 97-360, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXTENSION OF SET-ASIDE FOR SHIPS INVOLVED IN WORLD HEALTH CARE

● Mr. BREAUX. Mr. President, the legislation I am introducing today would amend P.L. 97-360 under which three surplus Federal ships have been set aside for utilization by Life International. Life International is a nonprofit, humanitarian organization which is endeavoring to develop a mercy fleet which would take aid, technical assistance, health care, training and education to the people of the Third World. The bill would extend the set aside of the three ships until September 30, 1992, as well as provide the necessary two-thirds of the retrofit funding on a matching basis. These ships will be used specifically for the provision of health care and other humanitarian services to developing countries.

The bill is nearly identical to a bill (H.R. 1097) that was offered by the chairman of the House Merchant Marine and Fisheries Committee except that I would propose instead to make use of one of the many commercial vessels now "repossessed" by the Maritime Administration [MarAd] under the title 11 Obligation Guaranty Program. Many of these vessels are presently mothballed at substantial annual cost to the Government and are not likely to be re-sold to the commercial market in the near future. Furthermore, the cost of retrofitting certain of these vessel designs would be far less than the type of vessel proposed in the House legislation. I think this represents a far more cost efficient proposal to achieve the very noble and important objectives of Life International.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Act entitled "An act to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries", approved October 22, 1982 (Public Law 97-360; 96 Stat. 1718) is amended as follows:

(1) Section 6 is amended to read as follows:

"SEC. 6. This Act applies to—

"(1) United States Ship *General Nelson M. Walker* P2-SE2-R1 currently held in the National Defense Reserve Fleet;

"(2) the United States Ship *Sanctuary* AH-20, which shall be transferred to the National Defense Reserve Fleet; and

"(3) an offshore supply ship currently in the possession of the Maritime Administration.".

(2) Section 7 is amended to read as follows:

"SEC. 7. Funds are authorized to be appropriated without fiscal year limitation, as the appropriation law may provide for the use of the Department of Transportation, to pay for not more than two-thirds of the cost of retrofitting the vessels listed in section 6 of this Act if—

"(1) the vessels are to be used under section 5 of this Act;

"(2) the recipient has satisfactorily demonstrated to the Secretary of Transportation that sufficient funds are available to pay for the recipient's portion of the cost of retrofitting the vessels;

"(3) retrofitting of one vessel is completed before retrofitting begins on each of the succeeding vessels; and

"(4) all work is done in the United States shipyard.".

(3) Add at the end the following:

"SEC. 8. This Act expires on September 30, 1992.".●

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. GRASSLEY, Ms. MIKULSKI, Mr. SIMON, and Mr. PROXMIRE):

S. 1282. A bill to provide for the imposition of sanctions against countries supporting international terrorism, and for other purposes; to the Committee on Foreign Relations.

DETERRENCE OF STATE-SPONSORED TERRORISM ACT

● Mr. LAUTENBERG. Mr. President, I rise to introduce, along with Senators KERRY, GRASSLEY, MIKULSKI, PROXMIRE, and SIMON, a bill aimed at curbing the activities of states that support and sponsor international terrorism. It would do so by creating a presumption in favor of the imposition of a variety of economic and diplomatic penalties on such countries, and by requiring closer consultation between Congress and the executive branch on our policy toward states that sponsor terrorism.

Last year, Americans were the No. 1 target of international terrorism. In 1986, roughly 27 percent of all terrorist incidents involved American interests or property. 12 Americans were killed by terrorists, and 101 were wounded. Even beyond the lives lost and injured by terrorism, the damage to America's peace of mind, its ability to conduct diplomacy, to protect its interests abroad, and to Americans' ability to travel freely in the world has been incalculable.

Americans have the right to expect that their Government will do everything it can to stop terrorism. But despite tough talk on terrorism, U.S. policy has often neglected the key role that states play in supporting and sponsoring terrorism. And in neglecting that role, it has continued to provide aid, credit, and other benefits to nations long after we've identified them as supporting and sponsoring terrorism against Americans.

Why should we care about state sponsorship of terrorism? Because terrorist groups do not operate alone. Their effectiveness is enhanced considerably by the assistance they receive from their state sponsors. Assistance like money, arms, and explosives. Like recruitment and training, passports, infiltration and escape routes. Like transportation, rapid communications, safe havens, and sanctuary.

This assistance forms an elaborate international life support network on which terrorists depend. Without it, terrorists would be out in the cold. They'd find it a lot more difficult to operate.

The State Department acknowledges the key role played by state sponsors of terrorism. The Department of State's "Patterns of Global Terrorism: 1985, published in October of 1986, States:

> That in large measure the range and lethality of terrorism in 1985 derived largely from the active role continually played by sovereign states—most notably Libya, Syria, and Iran. The unprecedented degree of backing by these states and, on some cases, their active participation in terrorist operations continued to make international terrorism, very much a problem.

The CIA has also acknowledged the critical role of state sponsors in accomplishing terrorism's dirty business. The late CIA Director William Casey stated in Washington Post's May 22, 1986 edition that:

> Libya, Syria and Iran use terrorism as an instrument of foreign policy. They hire and support established terrorist organizations. These countries make their officials, their embassies, their diplomatic pouches, their communications channels, and their territory as safe havens for these criminals to plan, direct, and execute bombing, assassination, kidnapping and other terrorist operations.

And while it's often difficult to locate individual terrorists, we have the address of their state sponsors. Secretary of State Shultz is required to keep a list pursuant to the requirements of the Export Administration Act of countries that demonstrate a consistent pattern of support for and sponsorship of terrorism. That list currently includes Syria, Libya, Iran, South Yemen, and Cuba.

Despite the acknowledged role that certain, well-identified states play in encouraging, supporting, and even sponsoring terrorism against Americans, the United States has often failed to penalize them for their behavior. In many cases, these countries continue to receive U.S. foreign aid dollars, arms, and access to our markets long after they have been found to engage in a consistent pattern of state support for terrorism. We need to stop subdizing the very countries that subsidize terror.

For example, Syria has been on the Department of State's list of state sponsors of terrorism since the list's inception in 1979. And the Foreign Assistance Act of 1961, section 620(A)(a), 22 U.S.C. section 2371 (a) provides that the United States may not provide any assistance to any country the President determines supports international terrorism, unless he finds that it is in our national security or humanitarian interests to do so, and so notifies Congress.

But according to a GAO report done at my request, it was not until 1983 that we cut off Syria's economic assistance, and not until 1984 that we prohibited all foreign assistance to Syria. Between 1979 and 1983, Syria received $113.8 million in American aid. The GAO report also shows that it was only last year that we ended Export-Import Bank programs in Syria, terminated Syria's landing rights in the United States, suspended United States sales of Syrian Arab airline tickets in the United States, ended the Export Enhancement Program for Syria, and banned the sale of sophisticated technology like computers and aircraft.

It's not that we don't have the power to stop such policies. It's that we haven't used it.

Although a wide range of laws on our books permit the President to cut off foreign aid and impose other sanctions for the support of terrorism, in many instances, these sanctions are just not imposed.

And there are some sanctions that we don't now have the authority to impose, but that we should. For instance, Syria and every other country on the Secretrary of State's terrorist list is eligible for World Bank and other multilateral development bank loans without protest from the United States unless they provide sanctuary to terrorists.

Last year, the World Bank approved over $75 million in loans to Syria without a single word of protest from the United States because of their support for terrorism. Even Treasury Secretary Baker conceded in hearings before the Senate Appropriations Committee that the United States should have voted no on this loan because of Syria's record of support for terrorism, instead of abstaining on human rights grounds.

It's clear from the example of Syria that any administration should be compelled to spell out and to justify to the Congress, its policy toward each nation that supports terrorism. Congress should play a more formal role in reviewing the comprehensiveness of sanctions on countries that support terrorism against Americans. And, there should be a presumption in favor of denying foreign aid and other benefits to countries that persist in supporting and sponsoring state terrorism.

The legislation which I have introduced today requires the Secretary of State to keep a list of countries that exhibit a pattern of consistent state support for terrorism, much the same way that he now keeps such a list pursuant to the requirements of the Export Administration Act. When a country is placed on that list, a variety of sanctions, including a cutoff of foreign aid, arms sales, a freezing of that country's assets in the United States, and other sanctions will be presumed to go into effect within 30 days, unless the President waives those sanctions.

If the President does not want those sanctions to go into effect, he must, within 30 days, submit to Congress a detailed explanation of why the imposition of any or all of those sanctions would not be in national security interest of the United States, or in humanitarian interests. Congress then has a period of 30 days to overrule that decision, which it must do by passing a resolution of disapproval.

In the event of an emergency, the President may remove sanctions already in place by providing a certifica-

tion that such an emergency exists, and giving notice to the heads of the Intelligence and Foreign Relations Committees in the House and the Senate.

If our country is to be taken seriously when we say we want to get tough on terror, we should not be providing foreign aid, arms, loans, and favorable treatment to countries that engage in state support or state sponsorship of terrorism. We must go after not only the members of terrorist rings, but those who bankroll and train the ringleaders—the state sponsors of terror.

Sanctions send a powerful nonmilitary signal to such states that we will not countenance business as usual with those who support the killing, maiming, and kidnapping of Americans. They demonstrate that we support our policies with actions as well as words, and are prepared to incur costs in our battle against international terrorism.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis of the deterrence of State-Sponsored Terrorism Act of 1987, as well as the GAO report entitled "Terrorism, Laws Cited Imposing Sanctions on Nations Supporting Terrorism," appear in the RECORD after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Deterrence of State-Sponsored Terrorism Act of 1987".

LIST OF COUNTRIES SUPPORTING TERRORISM

SEC. 2. (a) Not later than 30 days after the date of enactment of this Act, and thereafter on February 1 of each year, the Secretary of State shall prepare and transmit to the Congress a report setting forth a list of those countries, if any, which he has determined have repeatedly provided support for acts of international terrorism. This list may be referred to as the "terrorist list".

(b) Not later than 7 days after the Secretary of State determines that a country on the terrorist list no longer is providing support for acts of international terrorism, the Secretary of State shall prepare and transmit to the Congress a supplemental report setting forth his determination, and such country shall be deemed to be removed from the terrorist list upon receipt by the Congress of such report.

SANCTIONS AGAINST COUNTRIES SUPPORTING INTERNATIONAL TERRORISM; WAIVER

SEC. 3. (a) The sanctions described in subsection (d) shall be imposed against any country which is placed on the terrorist list and shall be effective—

(1) 30 calendar days after the name of such country is first placed on such list, except that such sanctions or any part thereof, as the President may specify, shall not take effect if, within such 30-day period, the President makes a determination and report described in subsection (c); or

(2) in the case of sanctions specified in a determination which is described in subsection (c) and which is disapproved by enactment of a joint resolution under section 5, on the date of enactment of such joint resolution.

(b) All or any of the sanctions, as the President may specify, which are described in subsection (d) and which are in effect with respect to a country shall cease to apply—

(1) if the President makes a determination and report described in subsection (c), 30 legislative days after the date of such determination; or

(2) if the President determines that an emergency situation exists which would justify the partial or complete lifting of sanctions, upon his certification of the existence of such an emergency situation to the chairmen of the Permanent Select Committee on Intelligence and the Foreign Affairs Committee of the House of Representatives and the chairmen of the Select Committee on Intelligence and the Foreign Relations Committee of the Senate.

(c)(1) The determination referred to in subsection (a)(1) or in subsection (b)(1) is a determination by the President that it is in the national interest of the United States, or in humanitarian interests, to take the action described in the appropriate subsection.

(2)(A) The report referred to in such subsections is a report which is prepared by the President and transmitted to the appropriate committees of the Congress and which contains the appropriate determination described in paragraph (1).

(B) The President shall include in any such report a detailed explanation of his reasons for making a determination under paragraph (1). Any part of such explanation may be included, if necessary, in a classified addendum to such report, except that each such report shall contain an unclassified summary of such explanation.

(C) For purposes of this paragraph, the phrase "appropriate committees of the Congress" means the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

(d) The sanctions referred to in subsections (a) and (b) are the following:

(1) All United States assistance for such country shall be terminated.

(2) No technology of such country and no goods (or any part thereof) which are produced, grown, or manufactured in such country may be imported into the United States, except that such technology or goods may be imported into the United States if additional duties are imposed on such imports in regulations prescribed by the Secretary of Commerce.

(3) The President shall deny to all products of such country duty-free tariff treatment under title V of the Trade Act of 1974 (the Generalized System of Preferences).

(4)(A) The Secretary of State shall promptly take whatever steps may be necessary to terminate any air or sea transportation agreement in effect between the United States and such country in accordance with the terms of such agreement.

(B) Upon the termination of any such agreement or, if no such agreement is in effect, upon the effective date of sanctions determined under section 3(a), the Secretary of Transportation shall prohibit any aircraft or vessel owned directly or indirectly by the government of such country or its nationals from engaging in air or sea transportation with respect to the United States.

(C) The Secretary of Transportation may provide for such exceptions from the prohibition contained in subparagraph (B) as the Secretary considers necessary to provide for emergencies in which the safety of the aircraft or vessel or its crew or passengers is threatened.

(D) For purposes of this paragraph, the term "aircraft" has the meaning given such term in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

(5)(A) The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for such country.

(B) For purposes of this paragraph, the term "international financial institution" includes—

(i) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(ii) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

(6) The President shall exercise his authorities under the International Emergency Economic Powers Act (other than section 204) for the purpose of ensuring that no such country or any national thereof may transfer out of the jurisdiction of the United States any property or credit in which such country or national thereof has any financial interest.

(7) Section 901(j) of the Internal Revenue Code of 1986 shall apply with respect to tax credits for the amount of any income, war profits, and excess profits taxes paid or accrued to such country by taxpayers of the United States.

(e) Paragraph (2) of section 901(j) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "or" at the end of subparagraph (A)(ii);

(2) by striking out the period at the end of subparagraph (A)(iv) and inserting in lieu thereof ", or";

(3) by adding at the end of subparagraph (A) the following new clause:

"(v) which the Secretary of State has, pursuant to section (2)(a) of the Anti-Terrorism Act of 1987, designated as a foreign country which repeatedly provides support for acts of international terrorism.";

(4) by striking out "or" at the end of subparagraph (B)(i)(I);

(5) by striking out "subparagraph (A), and" in subparagraph (B)(i)(II) and inserting in lieu thereof "clauses (i), (ii), (iii), and (iv) of subparagraph (A), or"; and

(6) by inserting at the end of subparagraph (B)(i) the following new subclause:

"(III) the effective date determined under section 3(a) of the Anti-Terrorism Act of 1987 with respect to a country described in subparagraph (A)(v), and".

(f) For purposes of this section, the term "legislative days" means the days on which both Houses of Congress are in session.

POLICY TOWARD COORDINATION OF SANCTIONS WITH ALLIES

SEC. 4. It is the sense of the Congress that, in any case in which any sanction is imposed against a country under section 3, the President should make vigorous efforts to obtain the imposition of a similar sanction by the allies of the United States.

CONGRESSIONAL REVIEW; PRIORITY PROCEDURES

SEC. 5. (a)(1) Notwithstanding the exception contained in section 3(a)(1), the sanctions described in section 3(d) shall take effect with respect to a country on the date described in section 3(a)(2) if the Congress enacts a joint resolution of disapproval, in accordance with this section, within 30 legislative days after transmittal of the report required by section 3(a)(1).

(2) Notwithstanding the waiver made in section 3(b)(1), the sanctions described in section 3(d) shall continue in effect with respect to a country if the Congress enacts a joint resolution of disapproval, in accordance with this section, within 30 legislative days after transmittal of the report required by section 3(b)(1).

(b)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in a House of Congress within 3 legislative days after the appropriate committee of such House of Congress receives a report required by section 3(a)(1) or 3(b)(1)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby disapproves the determination of the President contained in the report submitted on _____, as required by _____ of the Anti-Terrorism Act of 1987", with the appropriate date inserted in the first blank and "section 3(a)(1)" or "section 3(b)(1)", as the case may be, inserted in the second blank.

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution disapproving sanctions under the Anti-Terrorism Act of 1987".

(2) A joint resolution, upon introduction in the House of Representatives, shall be referred to the Committee on Foreign Affairs of the House of Representatives or, upon introduction in the Senate, shall be referred to the Committee on Foreign Relations of the Senate.

(3) For purposes of this section, the term "legislative day" means, with respect to a House of Congress, a day on which such House of Congress is in session.

(c)(1) The provisions of this subsection apply to the consideration in the House of Representatives of a joint resolution with respect to a report required by section 3(a)(1) or 3(b)(1).

(2) If the Committee on Foreign Affairs of the House of Representatives has not reported the joint resolution by the end of 15 legislative days after the first joint resolution was introduced, such Committee shall be discharged from further consideration of the first joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(3)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the joint resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(d)(1) The provisions of this subsection apply to the consideration in the Senate of a joint resolution with respect to a report required by section 3(a)(1) or 3(b)(1).

(2)(A) If the Committee on Foreign Relations of the Senate (hereafter in this subsection referred to as the "Committee") has not reported a joint resolution at the end of 15 legislative days after its introduction, it is in order to move either to discharge the Committee from further consideration of the joint resolution or to discharge the Committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the Committee, except that no motion to discharge shall be in order after the Committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) When the Committee has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of a joint resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

(5) If, before the passage by the Senate of a joint resolution, the Senate receives from the House of Representatives a joint resolution, then the following procedures shall apply:

(A) The joint resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a joint resolution of the Senate—

(i) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii) the vote on final passage shall be on the joint resolution of the House.

(C) Upon disposition of the joint resolution received from the House, it shall not longer be in order to consider the joint resolution originated in the Senate.

(6) If the Senate receives from the House of Representatives a joint resolution after the Senate has disposed of a Senate originated joint resolution, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution.

(e) Subsections (b) through (d) are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

DEFINITIONS

SEC. 6. For purposes of this Act—

(1) the term "act of international terrorism" means an activity that—

(A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and

(B) appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping; and

(C) occurs totally outside the United States, or transcends national boundaries in

terms of the means by which such activity is accomplished, the persons such activity appears intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum;

(2) the term "support" includes—

(A) furnishing arms, explosives, or lethal substances to individuals, groups, or organizations with the likelihood that they will be used in the commission of any act of international terrorism;

(B) planning, directing, providing training for, or assisting in the execution of any act of international terrorism;

(C) providing direct or indirect financial backing for the commission of any act of international terrorism;

(D) providing diplomatic facilities intended to aid or abet the commission of any act of international terrorism; or

(E) allowing the use of its territory as a sanctuary from extradition or prosecution for any act of international terrorism; and

(3) the term "United States assistance" includes any assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to or for the benefit of any foreign country, including—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation);

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) sales under title I (including title III) of the Agricultural Trade Development and Assistance Act of 1954 and donations under title II of such Act of agricultural commodities;

(D) financing programs of the Commodity Credit Corporation for export sales of agricultural commodities;

(E) financing under the Export-Import Bank Act of 1945;

(F) assistance under the Migration and Refugee Assistance Act of 1962;

(G) programs under the Peace Corps Act;

(H) assistance under the Inter-American Foundation Act;

(I) assistance under the African Development Foundation Act;

(J) financial assistance for foreign persons or groups under the Mutual Educational and Cultural Exchange Act of 1961; and

(K) assistance of any kind under any other Act.

SECTION-BY-SECTION ANALYSIS OF ANTI-TERRORISM ACT OF 1987

Section 1: Title of bill: Deterrence of State-Sponsored Terrorism Act of 1987.

Section 2: List of countries supporting terrorism:

2(a) *Secretary of State's terrorist list.*—Within 30 days of the enactment, and thereafter on February 1 of each year, the Secretary of State shall prepare and transmit to Congress a report setting forth a list of those countries, if any, which he has determined have repeatedly provided support for acts of international terrorism.

Rationale.—This creates a special new list on terrorist countries instead of using the list kept by the Secretary of State under the Export Administration Act. That's because this bill sets in motion a whole process for imposing sanctions that was not intended when the Export Administration Act list was set up. Also, the current terrorist list carries notice requirements for the sale of munitions list items and the export of certain items. It is preferable to keep our sanctions and the notice requirements separate.

2(b) *Removal of country from list.*—When the Secretary of State determines that a country listed on the terrorist list is no longer providing support for acts of international terrorism, he will provide a report to Congress with that determination within 7 days. Upon receipt of that determination, the country will be deemed to be removed from the list.

Section 3: Sanctions against countries supporting international terrorism; waiver:

3(a) *Automatic imposition of sanctions.*—Whenever a country is placed on the terrorist list kept by Secretary Shultz under this act, sanctions specified in the sections below will be imposed on that country:

(1) within 30 calendar days, unless the President sends a written determination to Congress that imposition of any or all of the sanctions set out below are not in the national interest of the U.S. or in humanitarian interests, and explains in detail why this is so;

(2) if the President sends the written determination specified above and Congress disapproves that finding by a joint resolution, then the sanctions shall go into effect when the joint resolution is enacted.

Rationale.—This preserves Presidential flexibility and authority over foreign policy. However, so that Congress will have the right to learn of the President's rationale, and have an informed basis to review that rationale, it will be provided with his reasons. So that report does not inadvertently require the disclosure of information that might jeopardize intelligence sources or methods, he may include the information in a classified addendum to the report.

3(b) *Emergency situations/changed circumstances.*—Any or all of the sanctions in effect for a particular country shall cease to apply:

(1) *Changed circumstances.*—If the President makes a determination that it is in the national interest of the U.S. or in humanitarian interests to remove sanctions, then the sanctions will cease to apply 30 legislative days after the date of such a determination, unless Congress passes a joint resolution within that period of time disapproving the President's determination.

(2) *Emergency.*—If the President determines that an emergency situation exists which would justify the partial or complete lifting of sanctions, and certifies to the Chairman of the House and Senate Foreign Affairs and Intelligence Committees that an emergency exists.

3(c) *Determination.*—

(1) The determination referred to in subsection (a)(1) or (b)(1) is a determination that it is in the national interest of the United States or in humanitarian interests not to impose sanctions.

(2)(A) *Report.*—The report shall be prepared by the President and sent to the Committee on Appropriations and Foreign Affairs of the House and Senate.

(B) *Detailed explanation.*—The report shall include a detailed explanation for the reasons for making the determination that it is in the national security or humanitarian interests of our country not to impose sanctions. Any part of such explanation may be provided, if necessary in a classified addendum to such report, except that each such report shall contain an unclassified summary of such explanation.

3(d) *List of sanctions.*—The following sanctions are to be imposed:

(1) Terminate all U.S. assistance to that country (includes Peace Corps Volunteers, agricultural assistance, arms sales and agricultural financing, military and economic assistance, Eximbank financing);

(2) End the importation of technology and goods which are produced, grown, or manufactured in such country into the United States, or impose additional duties on their import via the Secretary of Commerce;

(3) Deny all products of such country duty-free tariff treatment under the General System of Preferences;

(4)(A) Secretary of State shall take steps to terminate any air or sea transportation agreement in effect between the U.S. and the country;

(B) On the termination of the agreement, or if no agreement, the Secretary of Transportation will prohibit any aircraft of vessel owned by the government of the country or its nationals from engaging in air or sea transportation with respect to the U.S.

(C) The Secretary of Transportation may provide exceptions for emergencies where the safety of the aircraft or vessel or its crew or passengers is threatened.

(5) The U.S. Executive Director of the World Bank, the International Development Association, the IMF, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund, will vote against any loan or other use of funds for that country.

(6) No country or national may transfer out of the U.S. any property or credit in which such country or national has financial interest.

(7) Prohibit private citizens from taking tax exemptions for taxes paid to foreign governments while working in terrorist countries. Prohibit corporations from deducting taxes paid to a country from taxes paid to the U.S. government, when the country where they are working has been deemed to be a terrorist country.

Section 4: Coordination with Allies:

A sense of the Congress resolution that whenever sanctions are imposed under this bill, the President should make vigorous efforts to get our allies to do the same.

Rationale:—Sanctions are most effective when coordinated with our allies.

Section 5: Congressional review of President's decision:

Any sanction specified in this bill will be imposed over the President's objection if Congress enacts a joint resolution disapproving the President's determination within 30 days of his sending that determination to Congress.

The Joint resolution will be considered in the Senate and in the House in accordance with expedited procedures which assure the resolution's consideration.

Rationale.—One of the problems with the system as it now works is that Congress does not have an automatic process for reviewing the President's decisions on sanctions and considering whether it agrees or not. This provision provides Congress with that right. However, it does not give Congress any power it does not now have, since Congress could, at any time, impose such sanctions on its own.

Section 6: Definition:

Support for Terrorism.—Furnishing arms, explosives, lethal substances to individuals, groups, or organizations with the likelihood that they will be used in the commission of any act of international terrorism; planning, directing, providing training for, or assisting in the execution of any act of international terrorism; providing direct or indirect financial backing for the commission of any act

of international terrorism; providing diplomatic facilities intended to aid or abet the commission of any act of international terrorism; or allowing the use of its territory as a sanctuary from extradition or prosecution for any act of international terrorism.

TERRORISM: LAWS CITED IMPOSING SANCTIONS ON NATIONS SUPPORTING TERRORISM

[National Security and International Affairs Division]

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, April 17, 1987.

Hon. FRANK R. LAUTENBERG,
U.S. Senate.

DEAR SENATOR LAUTENBERG: This report responds to your January 12, 1987, request that we determine how often and under what circumstances laws imposing sanctions on nations supporting terrorism have been invoked.

The Export Administration Act of 1979 requires the Secretary of State to compile annually a listing of countries that support or participate in terrorist acts. Currently Iran, Libya, Syria, the People's Democratic Republic of Yemen, and Cuba comprise the list. Iraq, formerly on the list, was removed in 1982.

Federal agencies—primarily State, Treasury, Commerce, and Transportation—have identified 13 laws that authorize the President to invoke sanctions against nations supporting terrorism. No central source identifies individual sanctions with specific laws. However, through research and discussions with agency officials, we were able to identify sanctions since 1979 associated with 11 of the laws. The sanctions included such things as import embargoes, export license controls, freezing assets, terminating new loans and credit extensions, restricting arms sales and foreign assistance, terminating air services, and curtailing other activities between the United States and the nations designated as supporting terrorism. Details regarding the sanctions and the laws are included in appendices I through III.

In conducting this review, we obtained executive orders and other documents relating to U.S. policies on terrorism; interviewed officials of the Departments of State, Treasury, Commerce, and Transportation; and identified specific sanctions imposed in response to terrorist incidents occurring from 1979 through 1986. Our work was performed from February through April 1987 in accordance with generally accepted government audit standards.

Unless you publicly announce its contents earlier, we plan no further distribution of this fact sheet until 30 days from the date of issue. At that time we will send copies to the Departments of State, Transportation, Commerce, and Treasury, and make it available to other interested parties. If we can be of further assistance, please call me on 275-4128.

Sincerely yours,

JOAN M. MCCABE,
Associate Director.

APPENDIX I

CHRONOLOGY OF SANCTIONS BY COUNTRY IN RESPONSE TO TERRORIST INCIDENTS

This appendix contains profiles of the 6 countries against which U.S. sanctions have been imposed and describes the sanctions and the authority cited by federal agencies for those sanctions in response to terrorist incidents. We did not independently review each of the sanctions to determine whether the cited authority was appropriate.

IRAN

The Iranian students' seizure of more than 100 hostages, including 63 Americans, at the U.S. embassy compound in Teheran on November 4, 1979, marked the beginning of the U.S.-Iran hostage crisis that lasted more than 14 months. The following actions were taken as a result of the crisis:

Date and sanction:

November 8, 1979—Halted the shipment of U.S. military spare parts to Iran. Authority cited: Arms Export Control Act.

November 10, 1979—Required all post-secondary students who were Iranian citizens to report on residence and non-immigration status. Authority cited: Immigration and Nationality Act.

November 12, 1979—Restricterd the import of crude oil produced in Iran and unfinished oil or finished products made from Iranian crude oil. Authority cited: Trade Expansion Act of 1962.

November 14, 1979—Declared state of emergency against Iran. Blocked all Iranian government property and interests in property and froze Iranian deposits in U.S. banks and subsidiaries of U.S. banks. Authority cited: National Emergencies Act and International Emergency Economic Powers Act.

April 7, 1980—Broke diplomatic relations with Iran; closed Iranian embassy and consulates in the United States; expelled diplomats and consular officials. Authority cited: Authority of the Secretary of State in matters respecting foreign affairs 22 U.S.C. § 2656 (1982). Invalidated all visas issued to Iranian citizens for future entry into the United States; refused to reissue visas or issue new visas. Authority cited: Immigration and Nationality Act.

Embargoed all U.S. exports to Iran, except food and medicine; ordered an inventory of $8 billion in frozen Iranian assets and an inventory of U.S. financial claims against Iran to be paid out of these assets. Authority cited: International Emergency Economic Powers Act.

April 17, 1980—Prohibited all financial transactions between U.S. and Iranian citizens; imposed an import embargo; banned travel to Iran of all U.S. citizens except journalists; released for U.S. purchase impounded military equipment intended for Iran. Authority cited: International Emergency Economic Powers Act.

April 20, 1980—Prohibited travel to, in, or through Iran by permanent resident aliens. Authority cited: Executive Order 12211—Further Prohibitions on Transactions with Iran, April 17, 1980.

Restricted the use of U.S. passports to, in, and through Iran and regulated departures from and entry into the United States in connection with travel to Iran by citizens and permanent residents of the United States. Authority cited: Executive Order 11295—Rules Governing the Granting, Issuing and Verifying of U.S. Passports, August 5, 1966, Executive Order 12211—Further Prohibitions on Transactions with Iran, April 17, 1980.

January 19, 1981—Transferred Iranian frozen assets from the United States to the Bank of England in preparation for the release and exchange of U.S. hostages.

Iranian Assets Control Regulations revoked and withdrawn. Authority cited: International Emergency Economic Powers Act.

January 20, 1981—Hostages released in exchange for a partial transfer of $2.9 billion of Iranian assets.

Relations deteriorated further with the bombing of U.S. Marine barracks in Beirut in October 1983. Iranian involvement was alleged, and as a result, the following actions were taken.

Date and sanction:

January 19, 1984—Secretary of State designated Iran as a country that supports terrorism. This automatically placed foreign policy export controls on goods and technologies that could enhance Iran's military or terrorist capabilities. For example, export licenses were required for aircraft valued at $3 million or more, helicopters over 10,000 pounds, and national security controlled items valued at $7 million or more destined for military end use. Policy of denial of munitions control list items was set; and foreign military sales were prohibited. Authority cited: Export Administration Act of 1979, and Arms Export Control Act.

May 21, 1984—Prohibited any transfer of blocked property in which Iran has interest except under license from the Department of the Treasury. Authority cited: International Emergency Economic Powers Act.

September 28, 1984—President directed stricter export controls on all aircraft, helicopters, related parts, components and avionics. Applications for export of national security controlled items were to be generally denied, with some exceptions. Authority cited: Export Administration Act of 1979.

January 25, 1985 to January 20, 1986—Export licenses valued at $25.8 million denied. Authority cited: Export Administration Act of 1979.

Relations with the government of Iran have not returned to normal since November 14, 1979, when President Carter declared a national emergency to deal with the threat to national security, foreign policy, and the economy of the United States. Notices of the continuation of this national emergency were transmitted by the President to the Congress and published in the FEDERAL REGISTER on November 12, 1980, November 12, 1981, November 8, 1982, November 4, 1983, November 7, 1984, November 1, 1985 and November 10, 1986, in accordance with the National Emergencies Act.

LIBYA

Libyan-U.S. relations declined after Colonel Qadhafi's rise to power in 1969. At that time Libya closed British and American bases, acquired large quantities of arms, and supported anti-Israel and revolutionary causes worldwide. Terrorist activities included providing sanctuary to the perpetrators of the attack on Israeli athletes at the 1972 Munich Olympics and military support in 1979 to Uganda. The United States responded to Libya by removing the U.S. ambassador and disapproving the sale of military weapons and related items in 1973; denying the sale of Boeing 747 commercial aircraft and imposing antiterrorism export controls in 1979; and finally closing the U.S. embassy in February 1980.

Date and sanction:

December 29, 1979—State Department designated Libya as a country that supports terrorism. This automatically placed foreign policy export controls on goods and technologies that could enhance Libya's military or terrorist capabilities. For example, export licenses were required for aircraft valued at $3 million or more, helicopters over 10,000 pounds, and national security controlled items valued at $7 million or more destined for military end use. Policy of denial of munitions control list items and foreign mili-

tary sales were prohibited. Authority cited: Export Administration Act of 1979, and Arms Export Control Act.

October 1, 1979 to September 30, 1980—Export licenses denied for aircraft valued at $235.4 million. Authority cited: Export Administration Act of 1979.

A mob attacked and burned the U.S. embassy in Tripoli in December 1979 and subsequent attacks were made on Libyan citizens in Europe and the United States by the Qadhafi regime. The following U.S. actions resulted:

Date and sanction:

February 15, 1980—Closed U.S. embassy in Tripoli. Authority cited: Authority of the Secretary of State in matters respecting foreign affairs 22 U.S.C. 2656 (1982).

May 6, 1981—Libyan People's Bureau in Washington is ordered closed; personnel to leave the United States in 5 working days. New travel advisory issued to American citizens warning against any travel to or residence in Libya. Authority cited: Authority of the Secretary of State in matters respecting foreign affairs 22 U.S.C. 2656 (1982).

On August 19, 1981, two U.S. Navy F-14 aircraft were attacked by Libyan fighter aircraft.

Date and sanction:

October 1, 1981 to September 30, 1982—Expanded U.S. controls on exports of certain aircraft, helicopters, aircraft parts, avionics, and off-highway wheel tractors of carrying capacity of 10 tons or more. Denied export licenses for off-highway vehicles valued at $.9 million; four licenses denied for aircraft and parts valued at $11.2 million; 16 licenses denied for other commodities and technical data valued at $13.8 million. Authority cited: Export Administration Act of 1979.

December 11, 1981—Declared U.S. passports invalid for travel to, through, or in Libya. Administration calls on Americans residing in Libya to leave "as soon as possible," citing "the danger which the Libyan regime poses to American citizens." This sanction has been continued annually. Authority cited: Executive Order 11295—Rules Governing Granting, Issuing, and Verifying U.S. Passports, August 5, 1966.

Presidential Proclamation 49072 of March 10, 1982, states: "Libyan policy and action supported by revenues from the sale of oil imported into the United States are inimical to United States national security." The following actions were taken as a result:

Date and sanction:

March 10, 1982—President embargoed crude oil imports from Libya. Authority cited: Trade Expansion Act of 1962.

March 12, 1982—President required validated licenses for all U.S. exports to Libya, except food and agricultural products, medicine, and medical supplies. General policy of denying licenses for export to Libya of dual-use, high-technology items and U.S.-origin oil and gas technology and equipment not readily available from sources outside the United States. Authority cited: Export Administration Act of 1979.

October 1, 1982 to September 30, 1984—Denied 126 export licenses valued at $349.5 million, including $33.6 million in aircraft. Authority cited: Export Administration Act of 1979.

March 11, 1983—Terminated non-immigration visa status of Libyans engaged in aviation or nuclear studies. Authority cited: Immigration and Nationality Act.

March 20, 1984—General denial of licenses to export goods or technical data which would directly contribute to the development or construction of Ras Lanuf petrochemical complex. Authority cited: Export Administration Act of 1979.

January 25, 1985 to January 20, 1986—Denied export licenses for aircraft and parts valued at $3.2 million. Authority cited: Export Administration Act of 1979.

April 10, 1985—Terminated availability of bank programs and credits. Authority cited: Export-Import Bank Act of 1945.

On November 15, 1985, the United States determined that the Libyan government had continued to actively pursue terrorism as state policy and that Libya had developed significant capability to export petroleum products to other nations, thereby circumventing the March 1982 prohibition on U.S. imports of Libyan crude oil. As a result, the following action was taken.

Date and sanction:

November 15, 1985—President embargoed imports of petroleum products refined in Libya. Authority cited: International Security and Development Cooperation Act of 1985.

The United States determined that the Libyan government had supported the attacks on civilians at the Rome and Vienna airports on December 27, 1985. As a result, the President took the following actions:

Date and sanction:

January 7-8, 1986—Declared state of emergency against Libya. Authority cited: National Emergencies Act.

Restricted all commercial transactions in Libya by U.S. citizens and companies; prohibited all contract performance and all new loans or extensions of credit to the Libyan government; and blocked all property and interests in property of the Libyan government and its agencies that were in or that may later come into the United States. Banned exports to Libya, except for humanitarian donations such as food and clothing; and the purchase of goods exported from Libya to a third country; banned all travel transactions to or from Libya by U.S. persons. Authority cited: International Emergency Economic Powers Act.

Banned imports from Libya, except for publications and news materials. Authority cited: International Security and Development Cooperation Act of 1985.

President banned sales in the United States of air transportation which included any stop in Libya. Authority cited: Federal Aviation Act.

July 7, 1986—Prohibited exports to third countries where exported goods or technologies are intended for transformation, manufacture or incorporation into products to be used in Libyan petroleum or petrochemical industry. Authority cited: International Emergency Economic Powers Act.

SYRIA

The pattern of Syrian activity in support of international terrorism has been long-standing and varied. From the mid-1970s to the present, Syrians have been directly involved in terrorist activities. These operations have been primarily directed at other Arabs, such as Syrian dissidents, moderate Arab states such as Jordan, and pro-Arafat Palestinians, as well as Israeli targets.

December 29, 1979—The Secretary of State designated Syria as a country that supports terrorism. This automatically placed foreign policy export controls on certain goods and technologies that could enhance Syria's military or terrorist capabilities. For example, export licenses were required for aircraft valued at $3 million or more, helicopters over 10,000 pounds, and national security controlled items valued at $7 million or more destined for military end use. Policy to deny munitions control list items was set, and foreign military sales were prohibited. Authority cited: Export Administration Act of 1979; Arms Export Control Act.

November 14, 1983—Congress terminated economic assistance program to Syria. Authority cited: Foreign Assistance Act, 1961.

By late 1983 Syria began to rely more heavily on terrorist groups made up of non-Syrians who had bases and training facilities in Syria:

Date and sanction:

November 22, 1983—State Department closed the AID mission. Authority cited: Authority of the Secretary of State in matters respecting foreign affairs 22 U.S.C. § 2656 (1982).

June 5, 1986—Expanded controls on all helicopters regardless of weight. Authority cited: Export Administration Act of 1979.

In 1986, a Jordanian attempted to place a bomb aboard an El Al aircraft in London. During the November 1986 trial, Syrian officials were implicated in the conspiracy and the aftermath. In particular, Syrian officials provided a passport, money, the bomb, and sanctuary. The following actions were taken as a result:

November 14, 1986—Expanded controls to prohibit export of all national security controlled goods and technical data as well as aircraft and aircraft parts and components. The controls applied regardless of value or end-use (regulations pending). Authority cited: Export Administration Act of 1979.

Terminated availability of Export-Import Bank programs. Authority cited: Export-Import Bank Act of 1945.

Prohibited sale of tickets in the United States for transportation on Syrian Arab Airlines. Authority cited: Federal Aviation Act.

Terminated air transport agreement between the United States and Syria after one year, and immediately suspended its operation. Authority cited: Authority of the Secretary of State in matters respecting foreign affairs 22 U.S.C. § 2656 (1982).

Continued withdrawal of U.S. ambassador and reduced embassy staff in Damascus and reduced Syrian embassy staff in Washington. Revised advisory statement on American travel in Syria to alert citizens of the potential for terrorist activity originating there. Advised U.S. oil companies in Syria that continued operations are inappropriate. Authority cited: Authority of the Secretary of State in matters respecting foreign affairs 22 U.S.C. § 2656 (1982).

Placed additional controls on Syrian visa applications—all applications required to be sent to Washington, D.C., for a mandatory security advisory opinion. Authority cited: Immigration and Nationality Act.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN (PDR YEMEN)

In 1969, after a successful coup by Marxist revolutionaries, PDR Yemen severed diplomatic relations with the United States. Because of this action and continued support of international terrorism, human rights violations, aggression, and avowed commitment to Marxist principles, U.S.-PDR Yemen relations have been virtually nonexistent, and the following sanctions were imposed:

Date and sanction:

December 29, 1979—The Secretary of State designated PDR Yemen as a country that repeatedly supports terrorism. This automatically placed foreign policy export

controls on goods and technologies that could enhance PDR Yemen's military or terrorist capabilities. For exemple, export licenses were required for aircraft valued at $3 million or more, helicopters over 10,000 pounds, and national security controlled items valued at $7 million or more destined for military end use. Policy of denial for munitions control list items was implemented and foreign military sales were prohibited. Authority cited: Export Administration Act of 1979 and Arms Export Control Act.

June 5, 1986—Expanded export controls to include all helicopters, regardless of weight. Authority cited: Export Administration Act of 1979.

IRAQ

During 1978 to 1980 the Iraqi government reduced its support to most terrorist groups. By April 1980 a combination of factors, including the hostage crisis in Iran, Soviet invasion of Afghanistan, and Iraq-Iran War, caused a breach in Iraq's relationship with the Soviet Union. This led the United States to work toward a closer association with Iraq. The removal of Iraq from the terrorist-supporting list in 1982 was attributed to the administration's perception of an increasing moderation in Iraq's attitude toward the Arab-Israeli conflict. The following sanctions were applied during 1979 and 1980:

Date and sanction:

December 29, 1979—Secretary of State designated Iraq as a country that supports terrorism. This automatically placed foreign policy export controls on goods and technologies that could enhance Iraq's military or terrorist capabilities. For example, export licenses were required for aircraft valued at $3 million or more, helicopters over 10,000 pounds, and national security controlled items valued at $7 million or more destined for military end use. Policy of denial of munitions control list items was implemented and foreign military sales were prohibited. Authority cited: Export Administration Act of 1979 and Arms Export Control Act.

February 6, 1980—Department of Commerce suspended the export license for eight turbine engine cores valued at $11.4 million (the decision was later reversed in April 1980). Authority cited: Export Administration Act of 1979.

On April 7, 1980, the Arab Liberation Front, supported by Iraq, attacked an Israeli kibbutz, killing three people.

Date and sanction:

August 29, 1980—State Department disapproved a $208 million sale of commercial jets. Authority cited: Export Administration Act of 1979.

September 25, 1980—Suspended export license for six turbine engine cores previously approved in April 1980. Authority cited: Export Administration Act of 1979.

On March 1, 1982, the United States lifted export restraints against Iraq and removed it from the list of nations supporting terrorism.

In May 1982, the House Foreign Affairs Committee voted in favor of a resolution to restore Iraq to the list of countries supporting terrorism. However, the State Department announced in October 1983 that it would not place Iraq on the list because it had no evidence that Iraq had supported international terrorism since publicly denouncing it in 1982.

CUBA

The United States has a long history of sanctions against Castro's Cuba. In the 1960s, under authority of the Trading With the Enemy Act, a total embargo on exports, ban on all imports, and freeze on all Cuban assets in the United States were imposed. Under the Foreign Assistance Act of 1961, foreign aid was denied to countries that allowed their flag ships to carry goods to and from Cuba. In the 1970s, Cuba deployed combat troops to Angola and Ethiopia, increasing its influence in those areas. Cuba's training and support of insurgents and terrorists became evident in the 1980s through activities in Nicaragua, El Salvador, and Grenada. For these reasons, Cuba was added to the list of terrorist nations in 1982.

Date and sanction:

March 1, 1982—Secretary of State designated Cuba as a country that supports terrorism; embargo imposed in 1963 under the Trading With the Enemy Act continued on all imports and exports. Authority cited: Export Administration Act of 1979.

May 15, 1982—Banned business and tourist travel to Cuba. Authority cited: Trading with the Enemy Act.

October 4, 1985—Restricted entry into the United States by Cuban government employees and members of the Cuban communist party. Authority cited: Immigration and Nationality Act.

August 22, 1986—Denied preference immigration visas to persons who left Cuba for third countries. Authority cited: Presidential Proclamation 5517—Suspension of Cuban Immigration; and the Immigration and Nationality Act.

On August 22, 1986, the Administration announced a crackdown on trading with Cuban front companies that attempted to evade the U.S. trade embargo and increased controls on organizations which organize or promote travel to Cuba. Regulations regarding these new controls have not been developed.

APPENDIX II

LAWS AND SANCTIONS IMPOSED AGAINST NATIONS SUPPORTING TERRORIST ACTIVITIES SINCE 1979

This appendix identifies the 11 laws, cited as the authority by federal agencies, and the related sanctions imposed against nations who were identified by the Secretary of State to be repeated supporters of terrorism.

EXPORT ADMINISTRATION ACT OF 1979

Libya, Syria, Iraq, and PDR Yemen—12/29/79—Determined to be terrorist-supporting nations. Foreign policy export controls imposed on goods and technology that would contribute to military potential or enhance terrorist support capabilities.

Libya—10/1/79 through 9/30/80—Denied export licenses for aircraft valued at $234.5 million.

Iraq—2/6/80—Suspended export licenses for eight turbine engine cores to Italy for use in manufacturing of four frigates with ultimate destination to Iraq (decision reversed in April 1980).

Iraq—8/29/80—Denied license for $208 million sale of commercial jets.

Iraq—9/25/80—Suspended export of six turbine engine cores.

Libya—10/28/81—Expanded controls on export of certain aircraft, helicopters, aircraft parts, and avionics and off-highway wheel tractors of carriage capacity 10 tons or more.

Iraq—3/1/82—Lifted export restraints; Iraq removed from list of nations supporting terrorism.

Cuba—3/1/82—Added to the list of terrorist-supporting nations; embargo imposed in 1963 under the Trading With the Enemy Act continued on all imports and exports.

Libya—3/12/82—Required validated licenses for all U.S. exports except food, agricultural products, medicine, and medical supplies. General policy of export license denial for dual-use, high-technology items and U.S.-origin oil and gas technology and equipment not available outside the United States.

Libya—10/1/81 through 9/30/82—Denied export license for off-highway vehicles valued at $.9 million; four licenses denied for aircraft and parts valued at $11.2 million; 16 licenses denied for other commodities and technical data valued at $13.8 million.

Libya—10/1/82 through 9/30/83—Denied 56 export licenses valued at $14.1 million.

Iran—1/19/84—Determined to be terrorist-supporting nation. Imposed export controls on goods and technologies that would contribute to its military potential or enhance its terrorist support capabilities.

Libya—3/20/84—General denial of licenses to export goods or technical data which would directly contribute to the development or construction of the Ras Lanuf petrochemical complex.

Iran—9/28/84—Expanded export controls on certain commodities; export of all aircraft and helicopters, related parts, components, and avionics were generally denied.

Libya—10/1/83 through 9/30/84—Denied 70 export licenses valued at $335.4 million, including $33.6 million in aircraft.

Iran—1/25/85 through 1/20/86—Denied export licenses valued at over $25.8 million.

Libya—1/25/85 through 1/20/86—Denied export licenses for aircraft and parts valued at $3.2 million.

Syria, PDR Yemen—6/5/86—Expanded controls on all helicopters, regardless of weight.

Syria—11/14/86—Expanded export controls to prohibit all natural security controlled goods and technical data (regulations pending).

INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT

Iran—11/14/79 and 4/80—Blocked all Iranian government property and interests in property and froze all Iranian government assets in the United States; embargoed all U.S. exports to Iran, except food and medicine and all Iranian import; and prohibited all financial transactions between U.S. and Iranian citizens; banned travel to Iran of all U.S. citizens except U.S. journalists.

Iran—5/21/84—Prohibited the transfer of blocked property in which Iran has an interest except under license from the Department of Treasury.

Libya—1/7-8/86—Blocked all government of Libya interests in U.S. property or under control of U.S. citizens; terminated all new loans or extensions of credit and contracts; prohibited transactions by U.S. citizens with Libyan entities; and restricted travel to and from Libya by U.S. citizens; banned all exports from United States to Libya, except for humanitarian donations; and purchase by U.S. citizens of goods for export from Libya to a third country.

Libya—7/7/86—Prohibited exports to third countries where exported goods or technologies are intended for transformation, manufacture or incorporated into products to be used in Libyan petroleum or petrochemical industry.

NATIONAL EMERGENCIES ACT

Iran—11/14/79: Libya—1/7/86—State of emergency declared by the President. Both declarations are still in effect.

ARMS EXPORT CONTROL ACT

Iran—11/8/79—Halted shipment of U.S. military spare parts.

Libya, Syria, Iraq, and PDR Yemen—12/29/79 Iran—1/19/84—Prohibited U.S. sale or transfer of all defense articles. Denied licenses for export munitions list items that are sold commercially.

TRADE EXPANSION ACT OF 1962

Iran—11/12/79—Embargoed oil imports.

Libya—3/10/82—Embargoed crude oil imports.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

Libya—11/15/85—Embargoed petroleum product imports refined in Libya.

Libya—1/17/86—Banned imports from Libya, except publications and news materials.

FEDERAL AVIATION ACT

Libya—1/7/86—Banned sales in the United States of air transportation which includes stops in Libya.

Syria—11/14/86—Prohibited ticket sales in the United States for transportation on Syrian Arab Airlines.

EXPORT-IMPORT BANK ACT OF 1945

Libya—4/10/85 and Syria—11/14/86—Terminated availability of bank programs and credits.

IMMIGRATION AND NATIONALITY ACT

Iran—11/10/79—Ordered all Iranian nonimmigrant students to report to the Immigration and Naturalization Service.

Iran—4/7/80—Refused to re-issue new visas and invalidated visas issued for future use to Iranian citizens.

Libya—3/11/83—Terminated non-immigration visa status of Libyans engaged in aviation or nuclear studies.

Cuba—10/4/85—Restricted entry into the United States by Cuban government employees and members of the Cuban communist party.

Cuba—8/22/86—Denied preference immigration visas to persons who left Cuba for third countries.

Syria—11/14/86—Placed vigorous controls on Syrian visa applications—all applications required to be submitted to Washington, D.C., for mandatory security advisory opinion.

FOREIGN ASSISTANCE ACT 1961

Syria—11/14/83—Terminated economic assistance.

Libya, Syria, Cuba, Iraq, and PDR Yemen—10/12/84—Prohibited all foreign assistance.

TRADING WITH THE ENEMY ACT

Cuba—5/15/82—Banned business and tourist travel by U.S. citizens.

APPENDIX III

MAJOR STATUTES CITED BY FEDERAL AGENCIES AUTHORIZING SANCTIONS AGAINST COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

Export Administration Act of 1979); Pub. L. No. 96-72, 93 Stat. 503 (1979), as amended by Pub. L. No. 99-64, 99 Stat. 123 (1985); 50 U.S.C. App. § 2404(b) (Supp. III 1985).

International Emergency Economic Powers Act; Pub. L. No. 95-223, 91 Stat. 1626 (1977); 50 U.S.C. § 1701 et seq. (1982).

The Federal Aviation Act; Pub. L. No. 85-726, 72 Stat. 731 (1958), as amended by Pub. L. No. 99-83, 99 Stat. 190 (1985); 49 U.S.C. App. § 1515 (Supp. III 1985).

National Emergencies Act; Pub. L. No. 95-412 90 Stat. 1255 (1976); 50 U.S.C. § 1601 et seq. (1982).

International Security and Development Cooperation Act of 1985; Pub. L. No. 99-83, 99 Stat. 190 (1985); 22 U.S.C. § 2349aa-9 (Supp. III 1985).

Arms Export Control Act; Pub. L. No. 90-629 82 Stat. 1321 (1968); as amended by Pub. L. No. 99-399 § 509, 100 Stat. 853, 874 (1986); 22 U.S.C. 2753, 2778 (1982).

Export-Import Bank Act of 1945; Act of July 1, 1945, ch. 341, 59 Stat. 526; 12 U.S.C. § 635(b)(1)(B) (1982).

Foreign Assistance Act of 1961; Pub. L. No. 87-195 75 Stat. 424 (1961) as amended; 22 U.S.C. § 2371 (Supp. III 1985).

Trade Expansion Act of 1962; Pub. L. No. 87-794, 76 Stat. 872 (1962); 19 U.S.C. § 1182 (1982).

Immigration and Nationality Act; Act of June 27, 1952, ch. 477, 66 Stat. 166; 8 U.S.C. § 1182 (1982).

Omnibus Diplomatic Security and Antiterrorism Act of 1986; Pub. L. No. 99-399 100 Stat. 853 (1986).

Trade Act of 1974; Pub. L. No. 93-618, 88 Stat. 1978 (1974) as amended; 19 U.S.C. § 2462(b)(7) (1982).

Trading with the Enemy Act; Act of October 6, 1917, ch. 106, 40 Stat. 411 as amended by Pub. L. 95-223, 91 Stat. 1625 (1977); 50 U.S.C. App. § 1 et seq. (1982).●

● Ms. MIKULSKI. I join today with my distinguished colleagues to introduce the Anti-Terrorism Act of 1987. This important piece of legislation is aimed at curbing State-sponsored terrorism by imposing immediate sanctions against countries who repeatedly support terrorist acts.

The grim reality we face is the rising specter of fanaticism and terrorism worldwide. Even more frightening is the fact these are not just isolated incidents of violence perpetrated by a deranged individual. Rather, we are seeing increasingly more sophisticated acts of violence, underwritten by and with the approval of certain governments. Frequently, the target of their attacks is an American.

In 1986 alone, 12 Americans were the innocent victims of terrorist attacks abroad. Some of these people, like the three Marylanders who where killed when a bomb ripped through their plane, were vacationing tourists on their way to visit with their families. Others, like the two American servicemen killed in a West Berlin nightclub frequented by American soldiers, were abroad serving their country. They were killed because they were Americans, were on American planes, worked for American firms, or had some connection with America.

Mr. President, we may not be able to stop all terrorism from happening, but we cannot stop trying. America and its citizens cannot continue to be the target of fanatics whose countries welcome our dollars and our technology, who rely on our knowledge and expertise, but who kill our citizens.

The Anti-Terrorism Act of 1987 will immediately terminate any and all U.S. assistance to governments who are found to repeatedly support and aid terrorist actions. This includes agricultural assistance, Ex-Im Bank financing, and military and economic aid. This bill also ends the importation of any technology and goods which are produced or grown in that country, or imposes additional duties.

I am proud to cosponsor this bill, because it sends a message that must be heard: The United States will not deal with any country which practices terrorism as government policy.

Mr. President, I urge all of my colleagues to join in support of this bill.●

● Mr. GRASSLEY. Mr. President, I'm pleased to join Senator LAUTENBERG and others in sponsoring the Deterrence of State Sponsored Terrorism Act, which is an effort to continue the battle against state-sponsored terrorism.

In the last couple of years, a number of us in Congress have been attempting to put a stop to American Government and private support for countries that subsidize terror. Today, we continue that fight.

Its incomprehensible that nations hostile to the United States have continued to receive assistance from our Government, private individuals, corporations and American-funded international organizations. Support has continued because we have no consistent antiterrorist policy in place. This lack of a consistent policy is underscored by Senator LAUTENBERG's GAO report on terrorism that was released today.

Under our legislation, a number of sanctions would automatically be imposed against nations known to sponsor terrorist activities. When a country goes on the list, an automatic cutoff of foreign aid, arms sales, landing rights, preferential trade benefits and other sanctions would go into effect.

The only way the sanctions could be countermanded is if the President sends Congress an explanation of why such sanctions would not be in the U.S. national security interest. Nevertheless, Congress could still override this determination by a joint resolution. In other words, our legislation will give Congress more input in the process of punishing terrorist countries, while also giving the President the flexibility he may need in dealing with these countries.

For too long, the United States has provided the economic crutches that have helped prop up terrorist nations, such as Syria, Iran, and Libya. Its time to kick these crutches out from under terrorist countries and put an end to state-sponsored terrorism.

I, therefore, urge my colleagues to join us in sponsoring the Deterrence of State-Sponsored Terrorism Act of 1987.●

By Mr. WEICKER:

S. 1283. A bill to amend title XIX of the Social Security Act to require States to provide coverage under their Medicaid plans for certain children with extraordinary expenses for medical and remedial care; to the Committee on Finance.

MEDICAID COVERAGE FOR CHILDREN ACT

● Mr. WEICKER. Mr. President, today I rise to introduce legislation that addresses two longstanding and largely overlooked problems: the unaffordably high costs of medical care that fall upon families of children with catastrophic illness and the traumas these costs create for such families.

Private insurance and Medicaid benefits are currently too limited for children with catastrophic illness—both in terms of coverage and eligibility. The parents face overwhelming financial as well as emotional burdens. Often, these young parents have no savings. If they do, they must exhaust their assets and face a permanent and mounting debt in order to provide care their children need.

Consider the case of Timmy, a toddler who lives in Hartford, CT. Timmy had good health until an accident at 7 months nearly suffocated him. He survived, but his brain injuries resulted in cerebral palsy. His father works two minimum-wage jobs to keep the family solvent; Timmy's mother stays home to provide full-time care. His father's employer does provide health insurance, but there is a fairly standard copayment of 20 percent. Even with this insurance, the copayment required of Timmy's family, in the first 3 months of 1987 alone, amounted to $6,000.

What can families like Timmy's do? Should they pay for physical therapy, but cut back on speech therapy? Or should they opt for speech therapy, but forego college savings for the child or siblings? It's clear that although only one child becomes ill, the entire family suffers.

Nor is the dilemma for Timmy's family unusual. Remember the children with cystic fibrosis, cerebral palsy, muscular dystrophy, leukemia, hemophilia, sickle cell anemia, juvenile arthritis, spina bifida, congenital heart disease, traumatic spinal cord injuries, and burns—the list goes on. Some are slowly terminal, others stable and capable of improvement, still others entirely curable, though at great cost. Together they define the tragedy of thousands of children and families. And for each one, how well the ailing child and his or her family copes and adapts is contingent upon what resources are available.

Families both above and below the poverty line are threatened by the financial and emotional nightmare that catastrophic childhood illness becomes. Recognizing that "catastrophic" is a relative term, this legislation seeks to separate Medicaid eligibility for catastrophic health care for children from poverty levels defined variously by each State. Instead, eligibility will be tied to a percentage level of a family's adjusted gross income spent on allowable medical expenses. Once the threshold level is met, the child is eligible for appropriate medicaid benefits.

All States will be required to adopt this catastrophic program within the categorically needy classification of Medicaid. By use of an early and periodic screening, diagnosis, and treatment [EPSDT] benefit specifically designed for children with disabling and catastrophic health care needs, an interdisciplinary care coordination team will consider each child's specific needs and accordingly design and oversee the individual care plans. The benefit package will include but not be limited to those already existing within the categorically needy system of Medicaid. This initiative recognizes that catastrophic illness brings with it a depletion of all family resources—financial and emotional—and so care and service benefits will focus on maintaining family integrity and adaptability. Emphasis will be placed on home care with provision for the essential services of respite by a skilled caregiver and home adaptive equipment as indicated.

Ninety percent of the funds for this 5-year Medicaid program will come from the Federal Government provided that States do not change existing Medicaid eligibility requirements and services. The State Medicaid offices will be responsible for the entire financial administration of the program and will determine eligibility in individual cases.

Relatively little is known about the segment of our population that must cope with catastrophic childhood illness because the services across the country are fragmented by the State-by-State Medicaid system. No recent national studies on these families currently exist. The legislation requires a continuous study of the population served over the 5-year period, an analysis of the program's cost-effectiveness, and an assessment of the psychological and social implications of catastrophic childhood illness for families.

Mr. President, modern medicine has advanced to the point where catastrophically ill children who once faced the prospect of an early death can now expect to live well into adulthood. But as the prognosis has improved, the financial costs have soared. How can we expect individual families to pick up where Medicaid and private insurance benefits end out of their own ever-diminishing pockets? We have a basic responsibility to the dignity of the family and the needs of our children. This Nation must shoulder the burden of catastrophic medical expenses so that our children may experience the joy of prolonged life to its fullest.

Mr. President, I encourage expeditious consideration of this legislation by the Senate Finance Committee and ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Medicaid Catastrophic Coverage for Children Act of 1987.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 2. REQUIREMENT OF COVERAGE UNDER STATE MEDICAID PLANS.

(a) STATE PLAN REQUIREMENT.—Section 1902(a)(10)(A)(i) (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

(1) by striking "or" at the end of subclause (II),

(2) by striking the semicolon at the end of subclause (III) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following:

"(IV) who is a qualified disabled child (as defined in section 1905(r);",

(b) DEFINITION.—Section 1905 (42 U.S.C. 1396d) is amended by adding at the end thereof the following:

"(r)(1) The term 'qualified disabled child' means an individual who—

"(A) has not attained 21 years of age,

"(B) has an acute and chronic disabling mental or physical condition (whether congenital or acquired), and

"(C) with respect to whom the family of such individual has incurred expenses for medical care or remedial care in a year that are equal to the lesser of—

"(i) 10 percent of the family's countable income, or

"(ii) $10,000.

"(2) In the case of a family with more than one child that meets the requirements of subparagraphs (A) and (B) of paragraph (1), subparagraph (C) of such paragraph shall be applied by substituting '12½ percent' for '10 percent' in clause (i) and by substituting '$13,000' for '$10,000' in clause (ii).

"(3)(A) For purposes of paragraph (1), except as provided in subparagraph (B), a family's countable income for a year shall be an amount equal to the sum of the adjusted gross incomes of family members for the most recently completed taxable year.

"(B) For purposes of paragraph (1), in the case of a child the family of which can demonstrate to satisfaction of the State agency that the family's countable income for a year will be substantially less than its adjusted gross income for the most recently completed taxable year, the family's countable income shall be determined on the

basis of the family's estimated income for the year involved.

"(C) For purposes of paragraph (1), in the case of a child that is eligible for medical assistance under a provision of this title other than section 1902(a)(10)(i)(A)(IV), the family income of the child shall, for purposes of this subsection, be determined on the basis of the same methodology that is applied in determining eligibility under such other provision.

"(4) For purposes of paragraph (1), the term 'medical care' shall have the meaning given to such term in section 213(d)(1) of the Internal Revenue Code of 1986, and an expense shall be treated as having been incurred for medical care if such expense is allowable as an expense paid for such care for purposes of section 213 of such Code (or would be allowable but for the limitation contained in subsection (a) of such section).

(c) BENEFITS.—

(1) Section 1902(a)(10) (42 U.S.C. 1396a(a)(10)) is amended, in the matter following subparagraph (E)—

(A) by striking "and" before "(IX)", and

(B) by inserting before the semicolon at the end the following: ", (X) the medical assistance made available to individuals described in section 1905(r)(1) shall, subject to subsection (p), include the care and services described in paragraphs (1) through (21) of section 1905(a), and the making available of such care and services to such individuals shall not, by reason of this paragraph (10), require the making available of such care and services, or the making available for such care and services in such amount, duration, and scope, to any individuals not described in such section, and (XI) in the case of individuals described in section 1905(r)(1), the care and services specified in paragraphs (1), (2)(A), and (5) of section 1905(a) shall be made available without limitation on the number of days or the number of visits, and the making available of such care and services to such individuals in such amount, scope, and duration shall not, by reason of this paragraph (10), require the making available of such care and services in the same amount, duration, and scope to any individuals not described in such section".

(2) Section 1902 is further amended—

(A) by redesignating the subsection (l) added by section 3(b) of the Employment Opportunities for Disabled Americans Act as subsection (o) and transferring such subsection after and below subsection (n), and

(B) by adding at the end thereof the following new subsection:

"(p)(1) The care and services provided to an individual described in section 1905(r)(1) shall be provided pursuant to a plan of care (for providing such care and services to such individual) that is established and periodically reviewed by a multidisciplinary care coordination team, in cooperation with the individual and his or her parents, a physician, a hospital discharge planner or social worker, a visiting nurse, and a representative of the agency administering or supervising the administration of the the program (established by the State under title V of this Act) for providing services for children with special health care needs. Such plan shall be coordinated, to the maximum extent practicable, with any individualized education program or individualized family service plan established with respect to the individual under the Education of the Handicapped Act.

"(2) The plan of care established with respect to an individual pursuant to paragraph (1) shall be based upon the early and periodic screening and diagnosis of the individual (in accordance with section 1905(a)(4)(B)) and shall specify—

"(A) the care and services (described in paragraphs (1) through (21) of section 1905(a)) that are required by the individual,

"(B) the frequency and duration of such care and services,

"(C) the setting or settings in which such care and services may appropriately be provided.".

(d) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 1905(b) (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence of this subsection, the Federal medical assistance percentage shall be 90 percentum with respect to amounts expended as medical assistance for individuals described in section 1905(r)(1).".

(e) MAINTENANCE OF EFFORT.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking the period at the end of the paragraph (47) added by section 9407(a) of the Omnibus Budget Reconciliation Act of 1986 and inserting in lieu thereof a semicolon,

(2) by striking the period at the end of the paragraph (47) added by section 11005(b) of the Anti-Drug Abuse Act of 1986 and inserting in lieu thereof "; and",

(3) by redesignating the paragraph (47) added by section 11005(b) of the Anti-Drug Abuse Act of 1986 as paragraph (48) and transferring such paragraph after and below paragraph (47), and

(4) by adding at the end thereof the following:

"(49) provide that, for the 60-month period beginning on October 1, 1987—

"(A) the standards for determining eligibility under the plan are no more stringent than the standards in effect on May 27, 1987,

"(B) if medical assistance is included under the plan for any group of individuals on May 27, 1987, the plan will continue to include medical assistance for such group during such period, and

"(C) the medical assistance included under the plan for any such group during such period is not less in amount, duration, or scope, than the medical assistance provided for such group under the plan on May 27, 1987.".

(f) CONFORMING CHANGES.—

(1) Section 1902(a)(17) (42 U.S.C. 1396a(a)(17)) is amended by inserting "and section 1905(r)" after "subsection (l)(3)".

(2) Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended by striking "section 1902(a)(10)(A)(ii)(IX) or" and inserting "subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX) of section 1902 or".

(g) EFFECTIVE DATE.—

(1) The amendments made by this section shall be effective for calendar quarters beginning on or after October 1, 1987, and before October 1, 1992.

(2) The Secretary of Health and Human Services shall provide for a continuing study, during the period for which the amendments made by this section are effective (as specified in paragraph (1)), of the populations to which medical assistance is provided by reason of such amendments, of the cost effectiveness of providing medical assistance to such populations, and of the socioeconomic implications of providing such assistance. The study shall be conducted by the Secretary, in consultation with appropriate specialists. The Secretary shall report to the Congress annually on the progress of the study, and, not later than April 1, 1992, shall submit to the Congress recommendations with respect to the desirability and feasibility of extending the period for which such amendments are effective, together with any changes in law that the Secretary deems appropriate better to effectuate the purposes of such amendments.

SEC. 3. RELATED TECHNICAL AMENDMENT.

(a) WAIVERS FOR HOME AND COMMUNITY-BASED SERVICES.—Section 1915(c)(3) (42 U.S.C. 1396n(c)(3)) is amended by striking "and section 1902(a)(10)(B) (relating to comparability)" and inserting in lieu thereof ", section 1902(a)(10)(B) (relating to comparability), and section 1902(a)(10)(C)(i)(III) (relating to single standard for income and resource eligibility)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1986.●

By Mr. GRASSLEY:

S. 1284. A bill to extend the date that an application must be filed for former spouses to receive certain retirement benefits under chapter 83 of title 5, United States Code; to the Committee on Governmental Affairs.

CIVIL SERVICE RETIREMENT SPOUSAL BENEFITS ACT

● Mr. GRASSLEY. Mr. President, today I am introducing legislation that would continue to make available for 2 years the opportunity to apply for a spousal annuity which Congress authorized several years ago for certain deserving former spouses of civil service retirees in Public Law 98-615, as amended by Public Law 99-251. The deadline for application for this benefit was May 8, 1987. The legislation I am introducing today would extend the deadline for such application to May 8, 1989.

The basic reason for seeking an extension of this deadline, Mr. President, is that I do not believe that there has been sufficient publication of the availability of this benefit, nor, in conjunction with this, do I believe that there has been sufficient time for all interested parties to hear of, and apply for, this benefit.

This bill will not increase the number of people eligible under current law; it will simply extend the time available in which to apply. The survivor annuity in question does not cost the primary annuitant anything, as this benefit would be paid from appropriated funds. The aggregate cost to the Federal Government of an extension of the deadline for application for this survivor annuity benefit cannot be precisely estimated, although it should not be great.

BACKGROUND

Public Law 98-615, the Civil Service Retirement Spouse Equity Act of 1984—report No. 98-1054—signed by the President on November 8, 1984, made it possible for certain divorced spouses of deceased or retired civil

service employees to apply on their own behalf directly to the Federal Office of Personnel Management for a survivor annuity. To qualify, an individual had to satisfy several conditions. First, the applicant had to be married to an annuitant who retired before 180 days after enactment of Public law 98-615; second, the individual had to have been divorced after September 15, 1978; third, the applicant must not have remarried before reaching age 55; fourth, the individual had to have been married to the employee for 10 years during which the employee was engaged in creditable Federal service; fifth, the individual had to be 50 or older at the time of application; sixth, the individual must not have been entitled to any other pension, other than Social Security, based on their own or the employee's previous employment; and, seventh, the individual had to apply for the benefit within 30 months of enactment, that is, before May 9, 1987.

Public Law 99-251, which became effective in February 1986, effectively created two groups of beneficiaries. One group must meet the following conditions: First, an applicant must be a former spouse of an individual who retired before May 7, 1985 or who died after becoming eligible to retire and before May 7, 1987; second, the individual must have been divorced after September 14, 1978; third, the individual must have been married to the employee for at least 10 years during which the employee was engaged in creditable Federal service; fourth, the individual must not have remarried before age 55 after September 14, 1978; fifth, the individual must file an application within 30 months after enactment of Public Law 98-615; and sixth, the individual must be at least 50 at the time of filing an application. Conditions 2 through 6 are the same as were established in Public Law 98-615. Provision 1 is a modification of a provision contained in Public Law 98-615. The provision that an individual could not be entitled to any annuity, other than Social Security, based on any previous employment of the former spouse or of the employee was dropped.

The group qualified under the above criteria had to have been divorced after September 14, 1978. Public Law 99-251 also made eligible those individuals who divorced before September 14, 1978, if they met the other criteria of Public Law 99-251 set out just above—1, 3, 4, 5, 6—and if there were no surviving spouse of the employee and no other former spouse entitled to receive a Federal civil service annuity based on the service of the employee, and no other person designated to receive a survivor annuity by reason of an insurable interest in the employee.

Mr. President, I want to call to the attention of Senators and other interested parties that, even though changes in the criteria for eligibility were by Public Law 99-251, the application deadline of before May 9, 1987, 30 months after the passage of Public Law 99-615, was not changed. And, furthermore, the Office of Personnel Management had to redo the regulations for this program as a consequence of the changes in law, and these were not in place until September of 1986.

JUSTIFICATION OF DEADLINE EXTENSION

First, Mr. President, the number of people made eligible by Public Law 99-615 was originally estimated to be in the neighborhood of 400 to 500. The Office of Personnel Management recently informed my staff that some 25,000 people will have inquired about eligibility for this benefit as of the May 8, 1987, deadline. As of October 1986, about 8,000 people had applied for this benefit. Of the 6,000 of that 8,000 which had been reviewed as of April 1987, about 90 percent or 4,000 had been approved. Assuming the same 80-percent approval rate holds for the other 2,000 who had applied by October 1986, an additional 1,600 or a total of 6,400 individuals should qualify. Of the approximately 17,000 more recent applicants who responded to recent publicity about the approaching deadline for this benefit, a much lower percentage will probably qualify. This is because these people probably responded to a recent nationally syndicated article which stated that individuals divorced from Federal employees might be eligibile for a survivors benefit without mentioning that certain criteria must first be met.

It is probably impossible to say how many of these more recent inquiries will prove qualified. If one assumed that 20 percent qualify, a figure arbitrarily chosen and probably on the high side, then an additional 3,400 people, or a total of 9,800 of those who have to this time written to the Office of Personnel Management, will have qualified. It is difficult to say whether these changes in law made by Public Law 99-251 greatly increased the number of people eligible, or whether the original estimate was grossly wrong.

What is apparent is that substantially more people have applied for this benefit than were originally thought to be eligible. Under the circumstances, with the final regulations appearing only 8 months ago, it seems to me that there could be additional people eligible for this benefit that Congress determined was their right to have.

Second, and related to this point, Mr. President, is the fact that no one really knows exactly how many people are qualified to receive an annuity under this authority. The Office of Personnel Management does not have a list of the eligible individuals, nor does any interested group outside of the Federal Government have such a list.

Third, although the Office of Personnel Management has made some effort to publicize the availability of this benefit, this effort has hardly been sufficient to assure us that most of the people who are eligible for this annuity are aware of it. Although there is no guarantee that all the eligibles will become aware of the availability of this annuity in the event that we do extend the deadline, nevertheless it is obvious that more eligible individuals will hear of it if we do. Given that the number of applicants has been much greater than originally anticipated, given that the application deadline was not changed even though the eligibility criteria were changed in midstream, so to speak, and given that outreach efforts on the part of the Office of Personnel Management can give us no assurance that all the affected individuals are aware of their eligibility for a benefit under this authority, it seems to me that we should extend this deadline.

But finally, Mr. President, I think that we should extend the deadline for reasons of simple equity. The individuals who are eligible for this annunity for the most part are women. For the most part they are going to be women who were married for many years to a civil service employee. For the most part, there are going to be women who grew up and raised families when it was expected that women would not join the work force, but would be homemakers. For the most part, they are going to be women who were divorced with no share of the employee's annuity in hand, a share which, in my opinion, they have earned. I have worked on issues which involve older people since I came to the Congress in 1974, Mr. President, and I think I know something about the situation of older people in our country. Perhaps the single most disadvantaged group among those over 65, are older single women living alone. If the Congress saw fit, in Public Laws 98-615 and 99-251, to conclude that women in this situation should receive a survivor's annuity, then it seems to me that we should provide a deadline that gives us greater confidence that eligible persons will hear of, and apply for, the annuity.

The major argument I have heard against extending this deadline, Mr. President, is that the Office of Personnel Management does not want to have this program hanging over its head. It wants to wrap it up, and, I presume, use its staff in other ways. Unfortunately, Mr. President, it does not seem to me that this appeal to administrative convenience is particularly compelling as a justification for

ending the opportunity to apply for this benefit.

Mr. President, I ask unanimous consent that the short text of the bill be printed in the RECORD after my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Service Retirement Spousal Benefits Act of 1987".

SEC. 2. EXTENSION OF APPLICATION FILING DATE FOR CERTAIN FORMER SPOUSES.

Section 4(b)(1)(B)(iv) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615; 98 Stat. 3205), as amended by section 201(b)(1)(C) of the Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251; 100 Stat. 22), is amended to read as follows:

"(iv) the former spouse files an application for the survivor annuity with the Office on or before May 8, 1989; and".●

By Mr. GRAHAM (for himself, Mr. COCHRAN, and Mr. STEVENS):

S. 1285. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

HABEAS CORPUS REFORM ACT

● Mr. GRAHAM. Mr. President, our current system of habeas corpus review is mired in an encumbering backlog and frequently burdened by frivilous and dilatory petitions which affect the civil rights of all prisoners and impede the timely disposition of well-founded habeas corpus requests.

Today I am introducing legislation to institute procedures for making the current system more efficient while protecting petitioners' rights. This bill, "The Habeas Corpus Reform Act of 1987," will carefully guard each individual's constitutional right to habeas corpus review in Federal court, while directing the court's deliberation to those cases which merit serious consideration.

Review of the current situation of habeas corpus review indicates an urgent need for reform. The number of petitions filed is increasing at an alarming rate. A significant number of these petitions are duplicative and repetitive of earlier litigation. In addition, many petitions are filed years after the crime, when evidence is stale or nonexistent.

Dramatic evidence of the magnitude of this problem is statistically apparent. In the past 25 years, from 1961 to 1986, State prisoner habeas corpus cases filed in Federal district courts increased 786.76 percent. The number of filings peaked in 1970 with 9,063 filings and leveled off during the 1970's.

Beginning in the late 1970's, the filing of Federal habeas corpus petitions by State prisoners again began to increase; 1986 filings of 9,045 are only 18 petitions less than the all-time peak figure and represent an increase of 6 percent over 1985 filings.

Given the recent trend, 1987 will probably see the highest number of State petitions ever filed. A similar increase in court of appeals cases involving State prisoner habeas corpus show a sharp upward spiral of 227.4 percent over the 1980 levels. From 1985 to 1986 those appeals increased by more than 7 percent.

Federal district courts and courts of appeals are unable to keep up with these increases. In 1986, in both Federal district courts and U.S. courts of appeals, the number of habeas corpus cases filed exceeded the number of habeas corpus cases resolved. An extremely serious concern is the passage of time between conviction and filing.

The Department of Justice conducted a study in 1979 of six Federal district courts and one court of appeals. The study revealed that 40 percent of habeas corpus petitions were filed more than 5 years after conviction. Almost a third of the cases were filed more than 10 years after conviction. By that time evidence and witnesses may be unavailable for re-examination, new evidence may be difficult to substantiate. The trail of the original events of the crime which led to conviction has grown cold.

The bill I am proposing today includes specific time periods for filing habeas corpus petitions. They are: a 1-year limit on habeas corpus applications by State prisoners, normally running from exhaustion of all possible State habeas corpus petitions and appeals; a 2-year limit on appeals of Federal habeas corpus petition denials, normally running from finality of judgment.

This legislation also clarifies the circumstances in which a prisoner may raise a claim in habeas corpus proceedings that was not properly raised in State proceedings.

The bill very definitely does not contain any provision that would allow the Federal courts to exclude a habeas corpus petition based on an evaluation that State findings in such a petition were "full and fair."

The right to have a Federal claim fully heard in Federal court is a basic constitutional right which this legislation seeks not to inhibit but to enhance. The current system, by virtue of its inefficiencies, deprives prisoners of their civil rights. Valid claims are less likely to be recognized when submitted to an overburdened judiciary faced with many frivolous petitions.

Particularly in the context of habeas corpus and the important rights that it protects, we must be vigilant that an individual's constitutional rights are respected. We have a similar obligation to protect the integrity of our judicial system so that it may function both deliberately and effectively.

In this bill we address the severe problems in our current system of Federal habeas corpus review while safeguarding the constitutional rights of each individual prisoner. Those cases deserve the fair and measured attention—the serious consideration—of a healthy functioning judicial system.

I urge my esteemed colleagues to support this urgently needed legislation. Our responsibility is to ensure that system works in the way it was originally intended, with equal and timely dispensation of justice in all habeas corpus cases.●

By Mr. SHELBY:

S. 1286. A bill to amend the Tennessee Valley Authority Act of 1933; to the Committee on Environment and Public Works.

TENNESSEE VALLEY AUTHORITY ACT AMENDMENTS

● Mr. SHELBY. Mr. President, today I rise to introduce a bill to amend the Tennessee Valley Authority Act of 1933 and the Inspector General Act of 1978.

Study after study of the Tennessee Valley Authority has indicated that sooner or later the TVA's management structure must be changed if TVA is to progress into the future. I, and several colleagues in the House who have introduced similar legislation, believe that the bill being presented today can be the vehicle to insure continued prosperity.

It is my firm belief that the bulk of the problems that TVA has faced stem directly from management deficiencies and that those deficiencies are the direct result of structural flaws in the law that governs TVA's organization. It is time to change the law and infuse TVA with a modern, corporate structure necessary for future success.

The bill I am introducing today will separate the TVA policy-making role from TVA management. Presently, TVA may be the only organization of its size operating under a board of directors that both makes policy and carries out the management of that policy. It is time to end this archaic, irrational management structure.

This proposal would put the agency under a modern management setup, based on the model of a business-like corporation. The bill requires public participation in the creation of TVA policy and establishes checks and balances on the management and execution of policy by lifting the board out of the responsibility for day to day management. Policy for TVA would be established after public hearings in the region by a board of directors patterned after the boards of other large, complex organizations in this country. This includes a part-time board concentrating on policy making and on monitoring the agency's performance;

a professional manager, selected by the board, to manage the agency on a day to day basis; and board committees to deal in depth, yet at arms length from day to day management, with such policy issues as electric rate-making.

Freeing the board of management responsibilities will also allow the board to give greater attention to long-range planning, establishing the goals of the organization, and assuring that management carries out the agency's objectives.

Also, this bill will require, for the first time, that TVA directors be representative of the region, and of the electric rate-payers. This geographic diversity would provide TVA with people who have a broader range of experiences and backgrounds, thus better representing the views of those served by TVA.

Additionally, an inspector general would be provided for under Federal law to report to the new, part-time, policy-making board. This office will be useful adjunct to the efficiency and effectiveness of the Board's policies.

This bill has the support of the people of the TVA region. The message coming to us who serve them in Congress is "How many more mistakes must TVA management make before Congress steps in and revamps the outdated structure?" With this bill, we are saying to the people that Congress is here to do something. We want TVA to improve their responsiveness and accountability and continue to function in the years ahead. The time is right to move TVA into the modern corporate world. I urge my colleagues to join with me in support of this legislation.●

By Mr. DASCHLE:

S. 1287. A bill to provide interim relief to the Farm Credit System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM CREDIT SYSTEM EMERGENCY MANAGEMENT AND ASSISTANCE ACT

Mr. DASCHLE. Mr. President, I rise today to introduce legislation that will provide relief to the Farm Credit System. This legislation is specifically designed to assist farmer borrowers as well as ailing financial institutions within the System.

On May 7 of this year, representatives from the Farm Credit System made a presentation to the House of Representatives' Agricultural Subcommittee on Conservation and Credit. In that presentation, these representatives stated that $6 billion was necessary to allow the System to heal itself.

The System's presentation was deficient in that it did not show how the $6 billion would help borrowers. We must save the Farm Credit System, but we have to keep our eye on the ball. The Farm Credit System exists to assist farmers and ranchers in meeting their credit needs. Saving the System for the System's sake makes no sense at all. Saving the System with legislation that meets the needs of System institutions as well as credit needs of borrowers is the real challenge we face, and that is the purpose of the legislation that I am introducing today.

The most important feature of this Farm Credit System Emergency Act is its requirement that 50 percent of any Federal funds put into the System go to reduce borrower rates or restructure their loans. A section in title II of my bill specifically requires that the System report regularly to prove that at least 50 percent of the funds it receives are being used to directly benefit farm and ranch families. Provisions in this title also require that the System's banks have a debt restructuring program in place before receiving Federal assistance. These institutions must also establish a separate specialist group to restructure problem loans on a case-by-case basis.

A "borrowers bill of rights" has been needed for some time now. Title III of the bill deals with this issue. My bill mandates borrower access to information, the borrower's right to bring suit against the Farm Credit System, and a host of other detailed protections for farmers.

Another key feature of my bill is the establishment of a Federal Control Board called the Farm Credit System Emergency Management Board. As you are aware, in the 1970's the Government provided financial aid to three large firms and one municipality (Conrail, Lockheed, Chrysler, and New York City) to avert potential bankruptcies. Based upon the Government's experience in these assistance programs, the Comptroller General prepared a report to Congress that has guidelines on structuring, implementing, administering, and overseeing this type of program.

I have worked with the Comptroller General on title I of my bill. Title I creates that Farm Credit System Emergency Management Board to protect the Government's financial interest in the Farm Credit System. The Board is charged with overseeing the Federal financial assistance to the System and with reviewing System operations. Within 18 months of the Board's creation, it will issue a comprehensive report relating to the most efficient and effective organization for the Farm Credit System to deliver agricultural credit to farmers and ranchers. The Board is comprised of a farmer/rancher and a representative of the System to be appointed by the President as well as the Secretary of the Treasury, the Secretary of Agriculture, and the Chairman of the Board of Governors of the Federal Reserve System.

I feel very strongly that this management board is required. First, it will have the independence necessary to make the hard decisions. Second, it will be able to mediate the inevitable disputes between the System and its regulator and between and among System entities. Third, the Board can institute controls necessary to protect the Government's financial interest. Last and most important, the Board will provide assurance—assurance to (1) the agricultural sector of a credit flow reasonably stable and competitively priced (2) member borrowers that their capital stock is secure (3) the investment community that Farm Credit securities are a safe and sound investment and (4) the System's competitors that by virtue of Federal aid the System does not enjoy an undue competitive advantage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Credit System Emergency Management and Assistance Act of 1987".

TITLE I—FARM CREDIT SYSTEM EMERGENCY MANAGEMENT BOARD

SEC. 101. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the Farm Credit System is financially distressed and is continuing to deteriorate.

(b) PURPOSE.—It is the purpose of this title to facilitate needed reforms in the Farm Credit System by providing Federal assistance, and management oversight and guidance, to support the short-term development of the System as recommendations are being developed to assure the continued supply of agricultural credit at a reasonable cost.

SEC. 102. FARM CREDIT SYSTEM EMERGENCY MANAGEMENT BOARD.

(a) ESTABLISHMENT.—There is established in the executive branch a Farm Credit System Emergency Management Board (hereinafter in this title referred to as the "Board").

(b) MEMBERSHIP.—The Board shall consist of—

(1) the Secretary of the Treasury;

(2) the Chairman of the Board of Governors of the Federal Reserve System;

(3) the Secretary of Agriculture; and

(4) two additional members, to be appointed by the President with the advice and consent of the Senate, of which—

(A) one member shall be a representative of the Farm Credit System; and

(B) one member shall be a farmer or rancher with experience in agricultural financial matters.

SEC. 103. REPORTS.

(a) COMPREHENSIVE REPORT.—

(1) IN GENERAL.—Within 18 months of the date of the first meeting of the Board, the Board shall report to Congress on—

(A) the findings, conclusions, and recommendations of the Board relating to the most efficient and effective organization of the System for delivering agricultural credit to farmers and ranchers; and

(B) legislative proposals necessary to implement the recommendations referred to in subparagraph (A).

(2) SPECIFIC AREAS OF FOCUS.—In the report, the Board shall consider—

(A) alterations in the ownership and organization of the System and institutions of the System;

(B) the need for continued Federal financial assistance, and the effect of such assistance on the competitors of the System; and

(C) other matters as the Board considers appropriate.

(b) QUARTERLY REPORTS.—The Board shall submit to the President and to Congress quarterly reports concerning the activities and plans of the Board under this title.

SEC. 104. POWERS AND DUTIES OF THE BOARD.

(a) IN GENERAL.—Notwithstanding the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), the Board is authorized to—

(1) oversee and administer Federal assistance provided to System institutions;

(2) supervise, manage, and establish policies for the Farm Credit System;

(3) oversee loans made to System institutions;

(4) ensure that loans made to System institutions are made at rates of interest equal to current market rates of outstanding Treasury obligations having comparable maturities, and on such other terms and conditions as the Board may prescribe;

(5) guarantee long-term notes, bonds, debentures, or similar obligations of any System institution;

(6) protect, through the issuance of guarantees, the value of borrower stock in System institutions;

(7) assess fees, (other than fees for administrative expenses of the Farm Credit Administration as provided in section 5.15 of the Farm Credit Act of 1971 (12 U.S.C. 2250)), against any System institution and collect such amounts as the Board shall determine necessary for carrying out the purposes of this title, including fees needed to establish an insurance reserve;

(8) require Board approval of all actions of System standing committees, including finance committees and subcommittees, planning committees, service committees, and credit operations committees;

(9) require Board approval of the business, operating, and investment plans of each System institution;

(10) require the submission of quarterly performance reports relating to the plans referred to in paragraph (9) and the submission of such other reports and information as the Board determines to be necessary;

(11) require Board approval of the terms and conditions of all System institution debt issuances;

(12) require approval of the credit standards used and rates of interest charged by System institutions on loans;

(13) require Board approval of any merger, liquidation, consolidation, or change in management of a System institution;

(14) require Board approval of the design of System institution management information and accounting systems, and variances from generally accepted accounting principles in financial reporting;

(15) require Board approval of all determinations and plans formulated by the Capital Corporation for asset and entity liquidations or restructurings; and

(16) require Board approval of the hiring and levels of compensation for System institution managers and directors, and decisions regarding continued employment and promotion of System institution officials.

(b) CONSULTATION.—In carrying out this title, the Board shall oversee the operations of the Farm Credit Administration, and consult with and seek the advice of the Farm Credit Administration.

(c) FARM CREDIT ADMINISTRATION.—The Farm Credit Administration shall carry out the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) in a manner consistent with the policies of the Board.

SEC. 105. STAFF AND EXPENSES.

(a) SUPPORT STAFF.—

(1) IN GENERAL.—The Board is authorized to employ a staff of between 15 and 20 persons and assign such persons such powers and duties as are necessary to carry out this title.

(2) OTHER FEDERAL AGENCIES.—The Board may be provided with staff and other administrative support by other Federal agencies, with or without reimbursement, as determined by the Board.

(3) EXPERTS AND CONSULTANTS.—The Board may appoint and fix the compensation of other personnel, and obtain the services of experts and consultants as the Board considers necessary to carry out its functions, without regard to title 5, United States Code.

(4) COMPENSATION OF STAFF.—The staff authorized to in this subsection shall be compensated at rates determined by the Board, out of funds authorized to be appropriated under section 108.

(b) EXPENSES.—The administrative expenses of the Board and, as appropriate, the compensation of its officers and employees (in an amount determined by the Board) shall be paid for from the fund created under section 5.15 of the Farm Credit Act of 1971 (12 U.S.C. 2250).

SEC. 106. GENERAL ACCOUNTING OFFICE AUDIT AUTHORITY.

(a) IN GENERAL.—

(1) AUDITS.—The Comptroller General may conduct audits of the programs and activities of the Board and all institutions of the System, as the Comptroller General considers appropriate.

(2) REPORT.—The Comptroller General shall report the results of the audits to Congress after the audits are performed.

(b) REVIEW OF BOARD REPORTS.—The Comptroller General shall review and submit to Congress comments on the report required under section 103(a) and shall, if appropriate, review and comment on the reports required pursuant to section 103(b).

(c) ACCESS TO INFORMATION.—For purposes of conducting the audits and reviews authorized under subsections (a) and (b), the Comptroller General shall have access to, and the right to examine and copy, all books, documents, papers, records, or other recorded information possessed by the Board or a System institution.

SEC. 107. NONAPPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.

The Board shall not be subject to subchapter II of chapter 5, of title 5, United States Code.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 1987, 1988, and 1989.

(b) GUARANTEES.—The amount of any guarantees provided pursuant to section 104(a) shall be limited to the amount authorized in advance by Congress for such guarantees.

TITLE II—DEBT RESTRUCTURING

SEC. 201. DEFINITIONS.

As used in this title:

(1) BOARD.—The term "Board" means the Farm Credit System Emergency Management Board established under section 102(a).

(2) BORROWER.—The term "borrower" means a borrower of a loan made by an institution.

(3) COST OF FORECLOSURE.—The term "cost of foreclosure" includes—

(A) the difference between the outstanding amount of principal due on a loan made by an institution and the value of collateral used to secure the loan, taking into consideration the lien position of the institution;

(B) the estimated cost of maintaining a loan as a nonperforming asset;

(C) the estimated cost of administrative and legal actions necessary to foreclose a loan and dispose of property acquired as the result of the foreclosure;

(D) the estimated, adverse impact of the sale of property acquired as the result of a loan foreclosure on the value of property held by other borrowers of institutions;

(E) the estimated cost of changes in the value of collateral used to secure a loan during the period beginning on the date of the initiation of action to foreclose or liquidate the loan and ending on the date of the disposition of the collateral; and

(F) all other costs incurred as the result of the foreclosure or liquidation of a loan.

(4) INSTITUTION.—The term "institution" means an institution of the Farm Credit System that receives financial assistance under title I.

(5) LOAN.—The term "loan" means a loan made by an institution under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

SEC. 202. LOAN DETERMINATIONS.

To be eligible to receive funds under title I, before instituting a proceeding to foreclose a loan made to a borrower, an institution must determine—

(1) the cost of foreclosure; and

(2) the cost of restructuring the loan in accordance with this title.

SEC. 203. LOAN FORECLOSURE AND RESTRUCTURING.

(a) IN GENERAL.—If an institution determines that the cost of foreclosure of a loan made to a borrower is equal to or exceeds the cost of restructuring the loan in accordance with this title, in lieu of foreclosure, the institution shall reduce the principal or interest, or both, due on the loan, or otherwise restructure the loan, in a manner that would enable the borrower to make payments of principal and interest due on the loan without unduly impairing the standard of living of the borrower.

(b) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—To be eligible to receive funds under title I, an institution must use at least 50 percent of such funds to restructure loans in accordance with this title.

(c) LOAN SPECIALISTS.—To be eligible to receive funds under titles I and II, a system bank shall develop a separate specialist group to restructure problem loans on a case by case basis.

SEC. 204. ADDITIONAL COLLATERAL.

An institution may not—

(1) require any borrower to provide additional collateral to secure a loan if the borrower is current in the payment of principal or interest on the loan; or

(2) bring any action to foreclose on, or otherwise liquidate, any loan as the result of the failure of a borrower to provide additional collateral to secure a loan if the borrower was current in the payment of principal or interest on the loan at the time the additional collateral was required.

SEC. 206. APPEALS.

(a) DETERMINATION TO NOT RESTRUCTURE.—

(1) NOTICE.—If the Board determines that the cost of restructuring a loan in accordance with this title exceeds the cost of foreclosure of the loan, not later than 15 days after such determination, the Board shall require the institution to provide the borrower of the loan with a written notice of—

(A) the determination and the reasons for the determination;

(B) the computations used by the institution to make the determination, including the estimate of the collateral value of the land used to secure the loan; and

(C) the right of the borrower to appeal the determination before a committee.

(2) CONTEST OF DETERMINATION.—If a borrower of a loan made by an institution makes a written request to the Board not later than 30 days after receipt of a notice to contest a determination referred to in paragraph (1), the borrower shall have the right to—

(A) request the committee to arrange an independent appraisal of the cost of foreclosure of the loan and the cost of restructuring the loan in accordance with this title; and

(B) appear before the committee to contest the determination.

(3) INDEPENDENT APPRAISAL.—If a borrower requests the Board to arrange an independent appraisal made under paragraph (2)(A), the Board shall—

(A) arrange the independent appraisal, in accordance with regulations issued by the Farm Credit Administration; and

(B) consider such appraisal when reviewing the determination of the committee.

(4) Cost of appraisal.—If an independent appraisal is conducted under this subsection of the cost of foreclosure of a loan made by an institution to a borrower and the cost of restructuring the loan in accordance with this title, the cost of the appraisal shall be borne by—

(A) the institution if the appraised cost of restructuring the loan in accordance with this title is equal to or less than the appraised cost of the foreclosure of the loan; or

(B) the borrower if the appraised cost of restructuring the loan in accordance with this title is greater than the appraised cost of the foreclosure of the loan.

(b) DETERMINATION TO RESTRUCTURE.—

(1) NOTICE.—If the board determines that that the cost of restructuring the loan in accordance with this title is less than or equal to the cost of foreclosure of the loan, not later than 15 days after such determination, the Board shall require the institution to provide the borrower with a written notice of—

(A) the determination and the reasons for the determination;

(B) the amount of the reduction in principal or interest, or both, or method of restructuring, the institution determines is adequate to enable the borrower to make payments in accordance with section 203(a); and

(C) the right of the borrower to contest the amount of the reduction, or method of restructuring, before a committee.

(2) CONTEST OF METHOD.—If a borrower makes a written request to the Board not later than 30 days after receipt of a notice to contest the amount of the reduction, or method of restructuring, referred to in paragraph (1), the borrower shall have the right to appear before the Board to contest the amount of the reduction or method of restructuring.

(c) VOLUNTARY AGREEMENTS.—A borrower of a loan made by an institution shall have the right to appear before the Board to contest a determination, amount, or action under this title if—

(1) the institution and the borrower enter into an agreement under which the institution agrees to restructure the loan in accordance with this title and the borrower agrees not to contest the determination, amount, or action, as the case may be;

(2) the institution does not restructure the loan in accordance with this title; and

(3) the borrower makes a written request to the board to contest the determination, amount, or action, as the case may be, not later than 30 days after the date by which the institution agreed to restructure the loan in accordance with this title.

(d) NOTICE OF DECISIONS.—Not later than 15 days after any review conducted by the Board, the Board shall provide the aggrieved person or borrower with written notice of the decision of the committee and the reasons for the decision.

SEC. 206. ALLOCATION OF FUNDS TO PARTICIPATING INSTITUTIONS.

In allocating funds to an institution under title I, the Board shall consider the aggressiveness of the institution in restructuring loans under this title.

SEC. 207. REPORTING REQUIREMENTS.

An institution shall provide quarterly reports to the Board that document the compliance of the institution with this title, including section 203(b).

TITLE III—BORROWER RIGHTS

SEC. 301. ACCESS TO DOCUMENTS AND INFORMATION.

Section 4.13A of the Farm Credit Act of 1971 (12 U.S.C. 2200) is amended to read as follows:

"SEC. 4.13A. ACCESS TO DOCUMENTS AND INFORMATION.

"At the time of execution of loans and at any time thereafter, on request, a System institution shall provide a borrower with a copy of—

"(1) each document signed by or delivered to the borrower; and

"(2) the articles of incorporation, or charter and bylaws, of the institution.".

SEC. 302. SPECIFICATION OF BORROWER RIGHTS.

Part C title IV of the Farm Credit Act of 1971 (12 U.S.C. 2199 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 4.21. BORROWER PROTECTION.

"With respect to any loan that is current under the terms of a loan agreement, a Farm Credit System borrower may not—

"(1) be required to provide additional collateral;

"(2) be foreclosed on or otherwise liquidated for failing to post additional collateral; or

"(3) be required to furnish additional financial information unless the borrower is requesting a change in the terms of the loan agreement.".

SEC. 303. JURISDICTION OF BORROWERS' SUITS; STANDING.

Part C of title IV of the Farm Credit Act of 1971 (12 U.S.C. 2199 et seq.) (as amended by section 202 of this Act) is further amended by adding at the end thereof the following new section:

"SEC. 5.38. BORROWER SUITS.

"(a) RIGHT OF ACTION.—A borrower shall have a cause of action against—

"(1) any institution of the Farm Credit system for a violation of—

"(A) any duty, standard, or limitation owing to the borrower under this Act, and

"(B) any order issued by the Farm Credit Administration with respect to any such duty, standard, or limitation owing to the borrower, and

"(2) the Farm Credit Administration for a failure to perform any mandatory act or duty prescribed under this Act.

"(b) JURISDICTION.—The United States district courts shall have original jurisdiction, without regard to the amount in controversy or the citizenship of the parties, over any action brought under subsection (a).

"(c) STANDING.—A borrower shall have standing over any action brought under subsection (a) if the borrower has suffered legal wrong or is aggrieved or adversely affected by the violation on which the suit is based.

"(d) OTHER CAUSES OF ACTION.—Nothing in this section shall restrict any right that any borrower or any other person (or class of borrowers or other persons) may have under this Act, other law, or common law.".

SEC. 304. CONFORMING AMENDMENT.

Part C of title IV of the Farm Credit Act of 1971 (12 U.S.C. 2199 et seq.) is amended by striking out the part heading and inserting in lieu thereof the following new heading:

"PART C—BORROWERS RIGHTS".

TITLE IV—TERMINATION OF AUTHORITY

SEC. 401. TERMINATION OF AUTHORITY.

The authority provided under titles I and II shall terminate 12 months after the Farm Credit System Emergency Management Board submits the report required under section 103(a). At such time, any loans made pursuant to section 104(a) of this Act are still outstanding shall be considered loans from the Treasury of the United States. The Department of the Treasury shall, in accordance with the terms of such loans, administer the loans in any manner it deems appropriate.

By Mr. GARN (for himself, Mr. ARMSTRONG, Mr. CHAFEE, Mr. COCHRAN, Mr. DANFORTH, Mr. DOLE, Mr. DURENBERGER, Mr. GRAMM, Mr. HATCH, Mr. HUMPHREY, Mr. KARNES, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. STAFFORD, Mr. SYMMS, Mr. TRIBLE, Mr. ADAMS, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. CONRAD, Mr. DECONCINI, Mr. FOWLER, Mr. GORE, Mr. HEFLIN, Mr. INOUYE, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. MOYNIHAN, and Mr. NUNN):

S. 1288. A bill to designate July 20 of each year as "Space Exploration Day"; to the Committee on the Judiciary.

By Mr. GARN (for himself), Mr. ARMSTRONG, Mr. BOSCHWITZ,

Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DURENBERGER, Mr. GRAMM, Mr. HATCH, Mr. HELMS, Mr. HUMPHREY, Mr. KARNES, Mr. KASTEN, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. SYMMS, Mr. THURMOND, Mr. TRIBLE, Mr. WALLOP, Mr. ADAMS, Mr. BENTSEN, Mr. BOREN, Mr. BRADLEY, Mr. BURDICK, Mr. CHILES, Mr. CONRAD, Mr. DECONCINI, Mr. DODD, Mr. FOWLER, Mr. GORE, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, and Mr. STENNIS):

S.J. Res. 139. Joint resolution to designate July 1987, as "Space Exploration Day"; to the Committee on the Judiciary.

SPACE EXPLORATION DAY

● Mr. GARN. Mr. President, I rise today to introduce two pieces of legislation. The first is a joint resolution to designate July 20, 1987 as "Space Exploration Day." I am joined by 52 of my colleagues as original cosponsors to this measure. The second bill designates July 20 of each year as "Space Exploration Day," and 33 colleagues, thus far, have joined as cosponsors to this effort.

Almost 18 years ago, the world watched in awe as Neil Armstrong took that first "giant leap for mankind" on the surface of the Moon. For the past several years, we have honored the anniversary of that historic event by proclaiming July 20 as "Space Exploration Day."

A growing nationwide tradition is emerging concerning the declaration of "Space Exploration Day." Beyond our efforts in Congress, all 50 State Governors and the Governor of Puerto Rico have endorsed "Space Exploration Day." Additionally, several Presidential proclamations have been issued since President Ford initiated the activity in 1976.

The date of the event we are celebrating is clearly a permanent part of our history. Is there one of you here who cannot remember exactly where you were and what you were doing when that first footprint was made on the Moon. I remember watching Neil Armstrong that night on television with my father, one of the early aviators in Utah. He started to weep, and when I questioned him, he replied that he was remembering where he was and what he was doing when the Wright brothers made their first flight in North Carolina. To think that in his lifetime we had progressed from man's first flight to the exploration of new worlds beyond our own was both humbling and exhilarating. Now we must use our imaginations to dream about what we can do in space in the next lifetime.

Many people share my enthusiasm for this significant date and have expressed their support for a permanent "Space Exploration Day." In view of the historic significance of the lunar landing, I agree and that is why I am introducing separate legislation to seek permanent designation. I am aware that legislation granting a permanent designation of "Space Exploration Day" will require more involved delberation by this body than a 1-year designation. Undoubtedly, those discussions will at a minimum go beyond the Judiciary Committee's schedule for consideration of commemorative legislation. It is also certainly possible that they will extend beyond July 20 of this year. That is another reason I have introduced two bills. I certainly will continue to offer legislation every year to commemorate this important event until permanent designation is granted. As an aside, neither of the bills seeks to establish a Federal holiday, merely a commemorative day.

Although this is a critical time for our space program, the pioneering work of the United States in the area of space exploration continues to be awe inspiring and to demand our attention. Our spirit of exploration is a long tradition. It moved our ancestors to settle in the new country and, later, called them westward to expand our frontiers. Through our space activities, we have opened up new horizons for the future development of mankind and world civilization. Our record is one in which the American people can take great pride and satisfaction. And it is this same spirit of exploration which now inspires us to build a space station and to look beyond our universe for adventure.

These resolutions commemorate the achievements of the past and represent our hopes for the future. The adventures and the challenges are not over, they are just beginning. Just yesterday, the first test firing of a shuttle booster rocket since the *Challenger*, disaster was completed flawlessly, raising our hopes for a smooth launch of *Discovery* in 1988. There are many other things as well that still need to be done, for the shuttle program as well as the entire space program. We have more tests to be performed, more designs to be refined, and more questions that still need to be answered. We are just beginning to explore the feasibility of manufacturing in space, to examine the ecological impacts of natural and man-made events on Earth, and to investigate how events in the universe around us influence the world we live in. These peaceful explorations of space offer hope for a better and a more peaceful world.

I hope that the committee will act quickly in considering and reporting both of these efforts to pay tribute to the adventurous spirit and inquiring mind of the American people. I also hope that these bills will receive the confirmation and support of my colleagues in the Senate by their early consideration and passage.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill and joint resolution were orderd to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress finds that—

(1) on July 20, 1969, people of the world were brought closer together by the first manned exploration of the moon;

(2) one of the purposes of the United States space program is the peaceful exploration of space for the benefit of all mankind;

(3) the United States space program has provided scientific and technological benefits affecting many areas of concern to mankind;

(4) the United States space program, through Project Apollo, the Viking and Voyager missions, the space shuttle, and other space efforts, has provided the Nation with scientific and technological leadership in space;

(5) the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the Nation contribute research and development to the United States space program, and to the strength of the economy of the Nation;

(6) the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity and the unrelenting spirit of adventure;

(7) the spirit that put man on the moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers; and

(8) the human race will continue to explore space for the benefit of future generations.

DESIGNATION

SEC. 2. July 20, 1987, and July 20 of each year thereafter are designated as "Space Exploration Day" and the people of the United States are urged to observe such day each year with appropriate activities and programs.

S.J. RES. 139

Whereas on July 20, 1969 people of the world were brought closer together by the first manned exploration of the moon;

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind;

Whereas the United States space program has provided scientific and technological benefits affecting many areas of concern to mankind;

Whereas the United States space program, through Project Apollo, Viking and Voyager missions to the planets, the space shuttle, and other space efforts, has provid-

ed the Nation with scientific and technological leadership in space;

Whereas the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the Nation contribute research and development to the United States space program, and to the strength of the economy of the Nation;

Whereas the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity and the unrelenting spirit of adventure;

Whereas the spirit that put man on the moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers; and

Whereas the human race will continue to explore space for the benefit of future generations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 20, 1987, is designated as "Space Exploration Day." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.●

By Mr. ROTH:

S. 1289. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

DUTY SUSPENSION ON BENDIOCARB

● Mr. ROTH. Mr. President, I rise to introduce a bill to temporarily suspend the duty on a chemical, 2,2-dimethyl1-1,3-benzodioxol-4-YL methyl carbamate, also known as bendiocarb.

I am introducing this bill on behalf of NOR-AM Chemical Company of Wilmington.

Bendiocarb is a pesticide which is authorized for use by pest control companies in controlling fleas, ants, and roaches. It is widely used in hospitals, nursing homes, and other institutions.

I understand that there is no domestic production of this chemical in the United States.

Suspending the 8.6 percent duty will assist NOR-AM to keep prices down and will enable the product to be more readily available for pest control purposes.

I hope the Congress will act expeditiously to approve this duty suspension bill.●

By Mr. SASSER (for himself and Mr. GORE):

S. 1290. A bill to direct the Secretary of the Interior to acquire certain real property adjacent to the Andrew Johnson National Historic Site in Greeneville, TN, for inclusion within the national cemetery located in that site; to the Committee on Energy and Natural Resources.

ACQUISITION OF CERTAIN REAL PROPERTY

● Mr. SASSER. Mr. President, I am introducing legislation today that will direct the Secretary of the Interior to acquire and administer 1.2 acres adjacent to the Andrew Johnson National Historic Site in Greeneville, TN. The land would be used to expand the National Cemetery located within the National Historic Site.

I am pleased that Senator GORE has joined me as an original cosponsor of this bill.

The acquisition of this land is necessary because there are less than 250 gravesites left in the cemetery. If nothing is done to expand the grave area, the cemetery will be filled within the next 7 to 8 years according to park authorities.

The legislation I offer today will give the cemetery enough land for 500 new gravesites and will guarantee adequate burial room for the next several decades.

The land to be used to expand the cemetery has been procured by the Marine Corps League in Greeneville in cooperation with the Veterans of Foreign Wars [VFW]. The land would be donated free to the U.S. Government to be administered as part of the Andrew Johnson National Historic Site.

Thus, my legislation will not cost taxpayers any additional money. It merely authorizes the Secretary of the Interior to acquire and administer the donated land as part of the National Historic Site.

Mr. President, I commend the Marine Corps League and the VFW of Greeneville for this generous offer of land. I trust my colleagues in the Senate will now act promptly to approve my bill which allows the Federal Government to accept their offer. We must ensure that eligible veterans in the east Tennessee area will have an appropriate and dignified final resting place.●

By Mr. WILSON:

S. 1291. A bill for the relief of Joeri DeBeer; to the Committee on the Judiciary.

RELIEF OF JOERI DE BEER

Mr. WILSON. Mr. President, I rise today to introduce a bill that will confer permanent residency alien status on a young man named Joeri DeBeer. I believe the passage of this legislation is the most humanitarian response to the tragic circumstances which have confronted Joeri since his arrival in the United States.

Joeri is a soft-spoken Dutch national currently residing in Oakley, CA. After enduring years of turmoil, he is now enjoying the warmth and comfort of a stable, loving home with his legal guardians, Sid and Jennie Ward. He has enrolled in Diablo Valley College in nearby Pleasant Hill and is doing very well in his freshman year there. Such contentment is very new to Joeri, and unfortunately it may be very short lived. The Immigration and Naturalization Service is seeking to deport Joeri, separating him from the family life he so desperately needs.

Joeri's ordeal began in 1983 when he was living in Saudi Arabia with his mother and stepfather. It was then that he first met Phil Parsons, a United States citizen residing in Saudi Arabia, who shared Joeri's interest in the sport of motorcycle racing known as motocross.

In the fall of 1983, Mr. Parsons invited 15-year-old Joeri to return to America with him, promising that he would make the boy a motocross champion. With Mr. Parsons as his legal guardian, Joeri entered the United States on a student visa in January of 1984.

After they arrived in the United States, Mr. Parsons began to abuse Joeri. Joeri found himself completely alone in a strange country except for his legal guardian who was inflicting physicial, emotional, and sexual abuse upon him. Psychological reports conform that Joeri was under extreme duress at this time, struggling to understand his own adolescent fears and insecurities as well as to survive the constant torment of his life with Mr. Parsons. Joeri had little contact with his mother, who had released him to Mr. Parsons, and his real father made no attempts to contact him. Although Joeri tried to communicate his hatred of Parsons' brutal advances, Mr. Parsons continued to victimize the boy for several months, knowing Joeri had no where else to turn.

This intolerable situation was at the root of what was to happen.

On April 9, 1985, Parsons again attacked the boy. Joeri resisted and again tried to reason with Parsons. Incensed by the rebuff, Parsons tried to strangle Joeri, but the boy escaped. When Joeri returned home, Parsons again attacked him. In that moment of fear and frustration, Joeri shot and killed the molester.

In June of 1986, Joeri was tried and convicted for his acts. The horrible circumstances leading to this action made such a tremendous impact on the jurors that at the time of sentencing each juror stepped forward to plead for leniency in the sentencing of Joeri. The judge, Robert R. Fitzgerald, readily accepted the jurors pleas and gave Joeri a suspended sentence with 3 years probation.

Joeri was released to the legal custody of the Ward family. Their home provides for him the kind of security he needs to recover from the traumatic events of the past 3 years. But the Immigration and Naturalization Service has issued a notice indicating its intent to deport him, saying his conviction was for a crime of "moral turpitude" and that his student visa has expired. The INS has continued to pursue Joeri's deportation, in spite of a recommendation against deportation issued to the INS by Judge Fitzgerald.

Unfortunately, the INS has refused to accept this recommendation. The

case is currently pending at the Board of Immigration Appeals. But even if this decision is favorable, it would only reinstate Joeri's student status and prevent his immediate deportation. It would not provide for Joeri's much greater need—that of a secure and loving home. This need can only be met by the passage of this bill conferring legal permanent residency on Joeri.

The tremendous outpouring of compassion Joeri has received from those who know his story illustrates the uniqueness of his situation. Without exception, those who have come to know Joeri have been moved by his plight and have felt a love for him as well as a commitment to helping this young man make the most of his life. Social workers, criminal investigators, jurors, psychologists, editorial writers, and members of the public at large have all expressed their sincere desire to see Joeri given the opportunity to lead a productive life in the United States.

Mr. President, for all of these reasons I am sponsoring legislation which will afford Joeri the comfort he deserves.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Joeri DeBeer shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number if immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

By Mr. BREAUX:

S. 1292. A bill to amend the Merchant Marine Act, 1920, to require vessels used to transport sewage sludge to be built in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BUILDING OF CERTAIN BARGES IN THE UNITED STATES

● Mr. BREAUX. Mr. President, the legislation I am introducing today would amend the Jones Act (46 App. U.S.C. 883) and the Towing of U.S. Vessels Act (46 U.S.C. 316) to require barges which transport municipal sewage sludge and the tugboats that tow them be built in the United States if they are transporting the sludge from a point in the United States to a point on the high seas within the Exclusive Economic Zone, as defined in the Presidential Proclamation on March 10, 1983. As a matter of equity, however, my bill would grandfather four sludge barges constructed or being constructed pursuant to a contract entered into in 1968 between the city of New York and a Singapore shipyard.

Mr. President, the United States has a longstanding policy and laws reserving our coastwise traffic to vessels built and documented in the United States. The Customs Sevice has ruled, however, that inasmuch sewage sludge is not merchandise the requirements of the Jones Act do not apply. Moreover, ocean dumping sites for sewage sludge will certainly be located beyond the 3-mile limit, and thus, transportation of sewage sludge would not be considered transportation from one point within the United States to another.

Mr. President, clearly this is a case where technology is ahead of the law. Nevertheless, I believe the underlying purpose of our cabotage laws is equally applicable here—to promote our domestic shipbuilding industry.

My bill, therefore, is intended to bring our cabotage laws up to date.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended by inserting immediately before the period at the end the following: ": *Provided further,* That this section applies to the transportation of municipal sewage sludge after the date of enactment of this proviso from a point in the United States to a point on the high seas within the Exclusive Economic Zone, as defined in the Presidential Proclamation of March 10, 1983, other than transportation by any of four 15,000 deadweight tons sludge barges constructed pursuant to a contract entered into in 1986 between the City of New York, New York and Far East Levingston Shipbuilding, Ltd., of Singapore".

"SEC. 2. Section 4370 of the Revised Statutes of the United States (46 App. U.S.C. 316) is amended by adding at the end the following:

"(f) This section applies to the towing of any vessel transporting municipal sewage sludge after the date of enactment of this subsection from a point in the United States to a point on the high seas within the Exclusive Economic Zone, as defined in the Presidential Proclamation of March 10, 1983.".●

By Mr. LEVIN (for himself and Mr. COHEN):

S. 1293. A bill to amend the Ethics in Government Act of 1987 to provide a continuing authorization for independent counsel, and for other purposes; to the Committee on the Judiciary.

INDEPENDENT COUNSEL REAUTHORIZATION ACT

● Mr. LEVIN. Mr. President, I am here today with Senator COHEN to introduce an important piece of legislation in this bicentennial year of our Constitution. It is the Independent Counsel Reauthorization Act of 1987.

This legislation is of vital concern to our country and to the Congress, because the independent counsel statute addresses one of the most delicate tasks facing any government: the investigation and prosecution of high-ranking government officials for criminal misconduct. In such politically sensitive cases, the public must have confidence that the investigations are being handled fairly and the suspected officials are receiving no better and no worse treatment than anyone else in our criminal justice system.

For the government to enjoy the trust of our people, our people need to know that, in criminal cases involving high government officials, cronyism and political protectionism will not be substituted for justice.

That was the purpose of the independent counsel statute when it was enacted in 1978 and reauthorized in 1982. It remains our objective as we prepare to reauthorize the statute once more, before its current expiration date of January 2, 1988.

Joining me in this reauthorization effort is my colleague and good friend, Senator COHEN, who has shown consistent leadership and initiative on this subject from the time this statute was first considered over 10 years ago. Together, over the next few months, we hope to present this bill to the Governmental Affairs Committee and report it for floor consideration before the August recess. Although this timetable will be difficult to meet, it is important that we do so to make sure that the statute is reauthorized before it expires.

The need for the independent counsel statute has never been more compelling. Six independent counsel investigations are currently underway—more than ever before at one time. Several of these investigations are examining the activities of senior officials in the Justice Department, including the sitting Attorney General. Some are looking at the activities of former advisers to the President, including Michael Deaver, former White House Adviser; Lt. Col. Oliver North, former staff member on the National Security Council; and Lynn Nofziger, former campaign official and White House adviser. These are persons who

had enormous responsibilities in the government and who are now alleged to have abused their positions of trust.

Without the independent counsel process to handle these cases, public confidence in the government to resolve the matters fairly would be jeopardized.

Of course, not everyone agrees with this assessment of the independent counsel statute. Over the past months, for example, we have witnesses court challenges to the statute by Mr. Deaver, among others. Also, in March, the Senate received testimony from a Department of Justice witness expressing grave doubts about the law's constitutionality and in effect suggesting a return to the pre-Watergate era, when such cases were handled by individuals appointed and removable at will by the President.

It is ironic that Mr. Deaver, who once welcomed an independent counsel investigation to clear his name, is challenging the underlying statute—now that the effectiveness of the investigation of his conduct has become clear. In another ironic twist, Attorney General Meese recently invited an independent counsel investigation to clear up ongoing questions about his role in the Wedtech case—just weeks after he had authorized the Justice Department to provide congressional testimony criticizing this same statute.

These and other incidents demonstrate that the statute is doing what it was designed to do—ensure the impartial investigation and prosecution of alleged criminal conduct by persons close to the President in a way that claims and receives the public's confidence. To date, it appears that persons are challenging the statute not because of any failure, but because of its success.

I believe the independent counsel process will survive these legal and political challenges, because of its sound constitutional basis and its record of accomplishment, and because it provides a much-needed solution to the potentially explosive problem of the government's investigating its own, high officials for criminal conduct.

The judges who have considered the legal challenges to the statute have so far ruled, without exception, that the statute is likely to withstand constitutional scrutiny. While the Supreme Court has not yet spoken, I expect it to agree with the lower courts.

The statute needs further strengthening to prevent its possible politicization and manipulation. In a March hearing, for example, the Subcommittee on Oversight of Government Management, which I chair and on which Senator COHEN serves as the ranking Republican, presented evidence that the Department of Justice has made a series of small assaults on the statute. We found elaborate efforts to avoid triggering the statute, foot-dragging, missed deadlines, wrong standards for requesting an independent counsel, failures of the Attorney General to excuse himself from cases that he should have, and ominous explanations of what the Department considers to be grounds for removing a sitting independent counsel.

For example, in response to a post-hearing question by the Oversight Subcommittee, the Department of Justice indicated that, if the independent counsel in the Iran/Contra matter were to refuse an order by the President to grant prosecutorial immunity to Lieutenant Colonel North, a main target of the investigation, then the President could fire that independent counsel for good cause. This interpretation of the statutory provision permitting removal for good cause so misconstrues Congress' purpose for including this standard in the first place, that it effectively renders the standard meaningless.

This and other evidence demonstrated that the Department of Justice has been waging a guerrilla war against the independent counsel process, undermining it in ways that are not obvious unless one makes a determined effort to uncover the tactics.

The existing statute does not have the mechanisms it needs to combat these assaults by the Department of Justice. The Independent Counsel Reauthorization Act is intended to remedy this situation, with strengthening amendments to help force the Department of Justice and the Attorney General to carry out their statutory duties in a prompt, responsible and lawful manner.

By favoring the statute's reauthorization, I am not saying that the existing statute is without flaws. It needs some fine-tuning. Some of its provisions could be better worded. Arguments have been made that the statute does not do enough to ensure that the special court releases sufficient information about pending cases and to control the costs of independent counsel investigations.

On the whole, however, the process has served the country well. Accordingly, the bill does not institute major changes in the independent counsel process but provides fine-tuning and strengthening amendments. To provide greater detail about the legislation, I ask unanimous consent that a section-by-section analysis and a copy of the bill's text be included in the RECORD.

Over the coming months, I hope that my colleagues will join in the swift passage of this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1987".

SEC. 2. AMENDMENTS RELATING TO INDEPENDENT COUNSEL.

Part II of title 28, United States Code, is amended by striking out the chapter 39 entitled "INDEPENDENT COUNSEL" and inserting in lieu thereof the following:

"CHAPTER 40—INDEPENDENT COUNSEL

"Sec.

"§ 591. Applicability of provisions of this chapter

"(a) WHEN PRELIMINARY INVESTIGATION REQUIRED.—

"(1) RECEIPT OF INFORMATION.—The Attorney General shall conduct a preliminary investigation in accordance with section 592 whenever the Attorney General receives information sufficient to constitute grounds to investigate whether any person described in subsection (b) may have violated any Federal criminal law other than a petty offense.

"(2) EXAMINATION OF INFORMATION TO DETERMINE NEED FOR PRELIMINARY INVESTIGATION.—In determining under paragraph (1) if grounds to investigate exist, the Attorney General shall consider only—

"(A) the specificity of the information received, and

"(B) the credibility of the source of the information.

If the Attorney General determines that the information is insufficient to constitute grounds to investigate the matters involved, no court may order the Attorney General to conduct a preliminary investigation of such matters under this chapter.

"(3) WRITTEN REPORT IF NO DETERMINATION WITHIN 30 DAYS.—If the Attorney General fails to decide whether to conduct a preliminary investigation within 30 days after the receipt of information under this chapter and the Attorney General later determines not to conduct a preliminary investigation, the Attorney General shall file a written report with the division of the court not more than 90 days after the date the information is received, describing the actions taken with respect to the information and explaining the basis for the determination not to conduct a preliminary investigation.

"(b) PERSONS SUBJECT TO THIS CHAPTER.—The persons referred to in subsection (a)(1) are—

"(1) the President and Vice President;

"(2) any individual serving in a position listed in section 5312 of title 5;

"(3) any individual working in the Executive Office of the President who is compensated at a rate of pay specified in or fixed according to level II of the Executive Schedule under section 5313 of title 5, or a compa-

rable or greater rate of pay under other authority;

"(4) the Attorney General, any Assistant Attorney General, and any individual working in the Department of Justice who is compensated at a rate of pay at or above level III of the Executive Schedule under section 5316 of title 5;

"(5) the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue;

"(6) any individual who held any office or position described in any of paragraphs (1) through (5) of this subsection, during the period consisting of the incumbency of the President under whom such individual served in the office or position plus 1 year after such incumbency, but in no event longer than 5 years after the individual leaves office;

"(7) any individual who holds an office or position described in any of paragraphs (1) through (5) of this subsection during the incumbency of one President and who continues to hold the office or position for not more than 90 days into the term of the next President, during the period such individual serves in the office or position plus 1 year after the individual leaves the office or position;

"(8) any officer of a campaign for the election or re-election of the President, including a campaign by a national political party, if that officer exercises authority at the national level—

"(A) during the period of the campaign; and

"(B) during the incumbency of the President, if the candidate is elected or re-elected President; and

"(9) any person whose investigation or prosecution by the Attorney General or the Department of Justice may result in a personal or financial conflict of interest.

"(c) RECUSAL OF THE ATTORNEY GENERAL.—

"(1) WHEN RECUSAL IS REQUIRED.—If information received under this chapter involves a person described in subsection (b)(4) or a person with whom the Attorney General has a current or recent personal or financial relationship, the Attorney General shall designate the United States Attorney for the District of Columbia to perform the duties assigned under this chapter to the Attorney General with respect to that information. If the United States Attorney for the District of Columbia is disqualified from the matter due to a personal or financial conflict of interest, the Attorney General shall designate another appropriate official of the Department of Justice to perform such duties.

"(2) RECUSAL DETERMINATION MUST BE IN WRITING.—Prior to making other determinations required by this chapter with respect to information received under this chapter, the Attorney General shall determine in accordance with paragraph (1) whether to designate another official to perform the duties assigned by this chapter. This determination shall be in writing, shall identify the facts considered by the Attorney General, and shall explain the reasons for the decision. The Attorney General shall file this determination with any notification or application submitted to the division of the court under section 592 or 594.

"§ 592. Preliminary investigation and application for an independent counsel

"(a) CONDUCT OF PRELIMINARY INVESTIGATION.—

"(1) IN GENERAL.—A preliminary investigation conducted pursuant to a determination made under section 591(a) shall be of such matters as the Attorney General considers appropriate in order to make the determinations specified in subsections (b) and (c) of this section. The preliminary investigation shall be conducted for a period of not more than 90 days after the date the information referred to in section 591(a) is received.

"(2) CONGRESSIONAL REQUEST FOR PRELIMINARY INVESTIGATION OR APPOINTMENT OF AN INDEPENDENT COUNSEL.—A majority of majority party members or a majority of all nonmajority party members of the Committee on the Judiciary of either House of the Congress may request in writing that the Attorney General conduct a preliminary investigation or apply for the appointment of an independent counsel. Not later than 30 days after the receipt of such a request, or not later than 15 days after the completion of a preliminary investigation of the matter with respect to which the request is made, whichever is later, the Attorney General shall provide written notification of any action the Attorney General has taken in response to such request and, if no application has been made to the division of the court, why such application was not made. Such written notification shall be provided to the committee on which the persons making the request serve, and shall not be revealed to any third party, except that the committee may, either on its own initiative or upon the request of the Attorney General, disclose such portion or portions of such notification which will not, in the committee's judgment, prejudice the rights of any individual.

"(3) LIMITED AUTHORITY OF ATTORNEY GENERAL.—(A) In conducting preliminary investigations under this section, the Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpoenas.

"(B) The Attorney General shall not, in whole or in part, base a decision not to conduct a preliminary investigation or not to apply for the appointment of an independent counsel upon a determination that the person who is the subject of the preliminary investigation lacked the state of mind required for the violation of criminal law involved.

"(4) EXTENSION OF TIME FOR PRELIMINARY INVESTIGATION.—The Attorney General may apply to the division of the court for a single extension (for a period of not more than 60 days) of the 90-day period referred to in paragraph (1). The division of the court may, upon a showing of good cause, grant such extension.

"(b) FINDING THAT FURTHER INVESTIGATION NOT WARRANTED.—

"(1) NOTIFICATION TO COURT.—If the Attorney General, upon completion of a preliminary investigation under this section, finds that there are no reasonable grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court, and the division of the court shall have no power to appoint an independent counsel with respect to the matters involved.

"(2) FORM OF NOTIFICATION.—Such notification shall contain a summary of the information received and a summary of the results of the preliminary investigation.

"(c) FINDING THAT FURTHER INVESTIGATION IS WARRANTED.—

"(1) APPLICATION FOR APPOINTMENT OF INDEPENDENT COUNSEL.—The Attorney General shall apply to the division of the court for the appointment of an independent counsel if—

"(A) the Attorney General, upon completion of a preliminary investigation, finds reasonable grounds to believe that further investigation is warranted, or

"(B) the 90-day period referred to in subsection (a)(1) (and any extension granted under subsection (a)(4)) elapses without a notification under subsection (b) by the Attorney General to the division of the court that there are no reasonable grounds to believe that further investigation is warranted.

In determining whether reasonable grounds exist to warrant further investigation the Attorney General shall consider the written or other established policies of the Department of Justice which pertain to the conduct of criminal investigations.

"(2) RECEIPT OF ADDITIONAL INFORMATION.—If, after submitting a notification under subsection (b), the Attorney General receives additional information sufficient to constitute grounds to investigate the matters to which such notification related, the Attorney General shall—

"(A) conduct such additional preliminary investigation as the Attorney General considers appropriate for a period of not more than 90 days after the date such additional information is received; and

"(B) otherwise comply with the provisions of this section and section 594(e).

"(d) CONTENTS OF APPLICATION.—Any application under this chapter shall contain sufficient information to assist the division of the court to select an independent counsel and to define that independent counsel's prosecutorial jurisdiction.

"(e) LIMITATION ON JUDICIAL REVIEW.—The Attorney General's determination under this chapter to apply to the division of the court for the appointment of an independent counsel shall not be reviewable in any court.

"§ 593. Duties of the division of the court

"(a) REFERENCE TO DIVISION OF THE COURT.—The division of the court to which this chapter refers is the division established under section 49 of this title.

"(b) APPOINTMENT AND JURISDICTION OF INDEPENDENT COUNSEL.—Upon receipt of an application under section 592(c), the division of the court shall appoint an appropriate independent counsel and shall define that independent counsel's prosecutorial jurisdiction. Before determining such jurisdiction, the division of the court may consider comments submitted by interested persons with respect to such jurisdiction. An independent counsel's identity and prosecutorial jurisdiction (including any expansion under subsection (c)) shall not be made public except upon the request of the Attorney General or upon a determination of the division of the court, on its own motion or on the motion of an interested person, that disclosure of the identity and prosecutorial jurisdiction of such independent counsel would be in the best interests of justice. In any event, the identity and prosecutorial jurisdiction of such independent counsel shall be made public when any indictment is returned or any criminal information is filed.

"(c) SCOPE OF JURISDICTION OF INDEPENDENT COUNSEL.—In defining the prosecutorial jurisdiction of an independent counsel appointed under this chapter, the division of the court shall include the authority to investigate and prosecute Federal crimes, other than petty offenses arising out of the investigation or prosecution itself, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.

"(d) EXPANSION OF JURISDICTION.—The division of the court, upon request of the At-

torney General, may expand the prosecutorial jurisdiction of an independent counsel and such expansion may be in lieu of the appointment of a new independent counsel.

"(e) REMAND FOR FURTHER EXPLANATION.—Upon receipt of a notification under section 592 or 594 from the Attorney General finding that there are no reasonable grounds to believe that further investigation is warranted of information received under this chapter, the division of the court shall have no authority to overrule this determination but may remand the matter to the Attorney General for further explanation of the reasons for such finding.

"(f) QUALIFICATIONS OF INDEPENDENT COUNSEL.—The division of the court shall appoint as independent counsel, an individual who will conduct the investigation and any prosecution in a prompt, responsible, and cost-effective manner. The division of the court may not appoint as an independent counsel any person who holds or recently held any office of profit or trust under the United States.

"(g) VACANCIES.—If a vacancy in office arises by reason of the resignation or death of an independent counsel, the division of the court may appoint an independent counsel to complete the work of the independent counsel whose resignation or death caused the vacancy. If a vacancy in office arises by reason of the removal of an independent counsel, the division of the court may appoint an acting independent counsel to serve until any judicial review of such removal is completed. Upon the completion of such judicial review, the division of the court shall take appropriate action.

"(h) PAYMENT OF ATTORNEY FEES.—

"(1) AWARD OF FEES.—Upon request by the subject of an investigation conducted by an independent counsel pursuant to this chapter, the division of the court may, in its discretion, award reimbursement for all or part of the reasonable attorney fees incurred by such subject during such investigation if—

"(A) no indictment is brought against such subject; and

"(B) the attorney fees would not have been incurred but for the requirements of this chapter.

"(2) CALCULATING FEES.—In calculating attorney fees under this subsection, the hourly rate awarded to a defense counsel may not exceed the hourly rate received by the independent counsel.

"(3) EVALUATION OF FEES.—The division of the court may direct the Attorney General to file a written evaluation of any request for attorney fees under this subsection, analyzing for each expense—

"(A) the sufficiency of the documentation;

"(B) the need or justification for the underlying item; and

"(C) the reasonableness of the amount of money requested.

"(i) DISCLOSURE OF INFORMATION.—Except as otherwise provided in this chapter, documents or materials supplied to the division of the court under this chapter shall not be revealed to any individual outside the division of the court without leave of the division of the court. Any person may request the court to release any such documents or materials. The division of the court shall give special consideration to requests made by a committee of the Congress exercising a responsibility to oversee the independent counsel process.

"(j) AMICUS CURIAE BRIEFS.—When presented with important legal issues, the division of the court may disclose sufficient information about the issues to permit the filing of timely amicus curiae briefs.

"§ 594. Authority and duties of an independent counsel

"(a) AUTHORITY.—Notwithstanding any other provision of law, an independent counsel appointed under this chapter shall have, with respect to all matters in such independent counsel's prosecutorial jurisdiction established under this chapter, full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's personal action under section 2516 of title 18. Such investigative and prosecutorial functions and powers shall include—

"(1) conducting proceedings before grand juries and other investigations;

"(2) participating in court proceedings and engaging in any litigation, including civil and criminal matters, that such independent counsel considers necessary;

"(3) appealing any decision of a court in any case or proceeding in which such independent counsel participates in an official capacity;

"(4) reviewing all documentary evidence available from any source;

"(5) determining whether to contest the assertion of any testimonial privilege;

"(6) receiving appropriate national security clearances and, if necessary, contesting in court (including, where appropriate, participating in in camera proceedings) any claim of privilege or attempt to withhold evidence on grounds of national security;

"(7) making applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders, and, for purposes of sections 6003, 6004, and 6005 of title 18, exercising the authority vested in a United States attorney or the Attorney General;

"(8) inspecting, obtaining, or using the original or a copy of any tax return, in accordance with the applicable statutes and regulations, and, for purposes of section 6103 of the Internal Revenue Code of 1986, and the regulations issued thereunder, exercising the powers vested in a United States attorney or the Attorney General;

"(9) initiating and conducting prosecutions in any court of competent jurisdiction, framing and signing indictments, filing informations, and handling all aspects of any case in the name of the United States; and

"(10) consulting with the United States attorney for the district in which any violation of law with respect to which the independent counsel is appointed was alleged to have occurred.

"(b) COMPENSATION.—An independent counsel appointed under this chapter shall receive compensation at a per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

"(c) ADDITIONAL PERSONNEL.—For the purposes of carrying out the duties of the office of independent counsel, an independent counsel may appoint, fix the compensation, and assign the duties of such employees as such independent counsel considers necessary (including investigators, attorneys, and part-time consultants). The positions of all such employees are exempted from the competitive service. No such employee may be compensated at a rate exceeding the maximum rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5.

"(d) ASSISTANCE OF DEPARTMENT OF JUSTICE.—An independent counsel may request assistance from the Department of Justice in carrying out the functions of the independent counsel, and the Department of Justice shall provide that assistance, which may include access to any records, files, or other materials relevant to matters within such independent counsel's prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform such independent counsel's duties.

"(e) OTHER MATTERS WHICH MAY BE REFERRED TO AN INDEPENDENT COUNSEL.—

"(1) TREATMENT OF MATTERS NOT COVERED IN PROSECUTORIAL JURISDICTION.—(A) If the independent counsel discovers or receives information about persons or possible violations of criminal law as provided in section 591, which are not covered by the prosecutorial jurisdiction of the independent counsel, the independent counsel may submit such information to the Attorney General. The Attorney General shall then conduct a preliminary investigation of the information in accordance with the provisions of section 592, except that such preliminary investigation shall not exceed 30 days from the date such information is received. In making the determinations required by section 592, the Attorney General shall give great weight to any recommendations of the independent counsel.

"(B) If the Attorney General finds, after according great weight to the recommendations of the independent counsel, that there are no reasonable grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court and the division of the court shall have no power to expand the jurisdiction of the independent counsel or to appoint a new independent counsel with respect to the matters involved.

"(C) If—

"(i) the Attorney General finds there are reasonable grounds to believe that further investigation is warranted; or

"(ii) the 30-day period referred to in subparagraph (A) elapses without a notification to the division of the court that no further investigation is warranted,

the division of the court shall expand the jurisdiction of the appropriate independent counsel or appoint a new independent counsel to investigate the matters involved.

"(2) REFERRALS BY THE ATTORNEY GENERAL.—An independent counsel may accept referral of a matter by the Attorney General, if the matter relates to such independent counsel's prosecutorial jurisdiction as established by the division of the court. If such referral is accepted, the independent counsel shall notify the division of the court.

"(f) COMPLIANCE WITH DEPARTMENT OF JUSTICE POLICIES.—An independent counsel shall comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws.

"(g) DISMISSAL OF MATTERS.—The independent counsel shall have full authority to dismiss matters within such counsel's prosecutorial jurisdiction without conducting an investigation or at any subsequent time before prosecution if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws.

"(h) TREATMENT OF NONCRIMINAL ETHICAL VIOLATIONS.—If the criminal investigation

conducted by an independent counsel incidentally develops or discovers evidence warranting investigation of whether the subject or subjects of proceedings under this chapter may have violated ethical standards established by Federal law or regulation, but no criminal prosecution is warranted, the independent counsel may report such evidence to the Office of Government Ethics and any other Federal agency or officer having jurisdiction over such noncriminal violations.

"(i) REPORTS BY INDEPENDENT COUNSEL.—

"(1) REQUIRED REPORTS.—An independent counsel shall—

"(A) within 30 days after appointment file an initial report with the division of the court estimating the length of the investigation, staff needs, and expenses;

"(B) file a status report with the division of the court every 60 days after the initial report, identifying and explaining major unexpected expenses, and estimating the length of the remainder of the investigation, staff needs, and expenses; and

"(C) before the termination of an independent counsel's office under section 596(b), file a final report with the division of the court, setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel.

"(2) RELEASE OF INFORMATION IN REPORT.—The division of the court may release to the Congress or any person such portions of a report made under this subsection as the division considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report under this section available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may in the discretion of the division of the court be included as an appendix to such final report.

"(j) INFORMATION RELATING TO IMPEACHMENT.—An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. Nothing in this chapter or section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.

"(k) GRAND JURY AND OTHER MATERIALS COMPILED BY INDEPENDENT COUNSEL.—

"(1) TREATMENT OF MATERIALS BY THE INDEPENDENT COUNSEL.—An independent counsel shall clearly identify and segregate all grand jury materials from other materials compiled during the independent counsel's term of office. Upon termination of office, the independent counsel shall transfer all materials compiled during the term of office to the control of the National Archivist.

"(2) ACCESS TO MATERIALS.—If a person requests access to materials compiled by an independent counsel after the materials have been transferred pursuant to paragraph (1), the National Archivist shall release—

"(A) grand jury materials only as permitted by rule 6(e) of the Federal Rules of Criminal Procedure; and

"(B) all other materials only if the person requesting them can demonstrate that the materials are relevant and necessary for a prosecution.

Thirty days prior to releasing materials under this subsection, the National Archivist shall notify the division of the court of the decision to release them to such person.

"(l) STANDARDS OF CONDUCT APPLICABLE TO INDEPENDENT COUNSELS AND PERSONS SERVING IN THE OFFICE OF AN INDEPENDENT COUNSEL.—

"(1) INDEPENDENCE FROM DEPARTMENT OF JUSTICE.—Each independent counsel, together with the persons appointed by the independent counsel under subsection (c), forms an agency separate from and independent of the Department of Justice for purposes of sections 202 through 209 in title 18.

"(2) RESTRICTIONS ON EMPLOYMENT WHILE SERVING.—During the term of office of an independent counsel, such independent counsel and the persons appointed by the independent counsel under subsection (c), shall not—

"(A) simultaneously serve as counsel or cocounsel to a person who is subject to any proceedings under this chapter; or

"(B) simultaneously accept or hold any office or position of trust with the United States.

"(3) FIVE-YEAR BAN ON REPRESENTATION OF SUBJECTS.—Each independent counsel and the persons appointed by the independent counsel under subsection (c) shall not, for 5 years following the termination of that independent counsel's office, represent any person who was a subject of an investigation or prosecution under this chapter if those proceedings were conducted by that independent counsel.

"§ 595. Congressional oversight

"(a) OVERSIGHT OF CONDUCT OF INDEPENDENT COUNSEL.—

"(1) CONGRESSIONAL OVERSIGHT.—The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and such independent counsel shall have the duty to cooperate with the exercise of such oversight jurisdiction.

"(2) REPORTS TO CONGRESS BY AN INDEPENDENT COUNSEL.—An independent counsel appointed under this chapter shall submit to the Congress such statements or reports on the activities of such independent counsel as the independent counsel considers appropriate.

"(b) OVERSIGHT OF CONDUCT OF ATTORNEY GENERAL.—

"(1) CONGRESSIONAL REQUEST FOR INFORMATION.—Upon receiving an inquiry about a particular case, which has become public, from an appropriate committee of the Congress exercising a responsibility to oversee the independent counsel process, the Attorney General shall promptly respond to the inquiry—

"(A) by indicating at least the following about such case:

"(i) whether proceedings are taking place under this chapter with respect to that case;

"(ii) when the information about the case was received for purposes of calculating the 90-day period under section 592 or 30-day period under section 594;

"(iii) whether a preliminary investigation has been initiated;

"(iv) whether the Attorney General has determined not to initiate a preliminary investigation; and

"(v) whether an initial filing has been made with the division of the court with respect to that case and, if so, the date of that filing; and

"(B) by producing documents from the case if that case has been closed by the Department of Justice and if the documents discuss determinations required by this chapter, other than court filings which the division of the court has not released.

"(2) DISCLOSURE BY COMMITTEE.—A committee which obtains a response or documents from the Attorney General under this subsection may not disclose such response or documents unless the committee determines that disclosure will not, in the judgment of the committee, prejudice the rights of any individual.

"§ 596. Removal of an independent counsel; termination of office

"(a) REMOVAL; REPORT ON REMOVAL.—

"(1) GROUNDS FOR REMOVAL.—An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such independent counsel's duties. For purposes of this paragraph, removal for good cause shall not justify a removal based on the refusal of an independent counsel to obey an order of the President if that order would violate the purposes of this chapter.

"(2) REPORT TO DIVISION OF THE COURT AND CONGRESS.—If an independent counsel is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal. The committees shall make available to the public such report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report. The division of the court may release any or all of such report in the same manner as a final report released under section 594(i)(2) and under the same limitations as apply to the release of a final report under that section.

"(3) JUDICIAL REVIEW OF REMOVAL.—An independent counsel removed from office may obtain judicial review of the removal in a civil action commenced before the division of the court and, if such removal was based on error of law or fact, may obtain reinstatement or other appropriate relief.

"(b) TERMINATION OF OFFICE.—

"(1) TERMINATION BY ACTION OF INDEPENDENT COUNSEL.—An office of independent counsel shall terminate when—

"(A) the independent counsel notifies the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of such independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions, and

"(B) the independent counsel files a final report in compliance with section 594(i)(1)(C).

"(2) TERMINATION BY DIVISION OF THE COURT.—The division of the court, either on its own motion or upon the request of the

Attorney General, may terminate an office of independent counsel at any time, on the ground that the investigation of all matters within the prosecutorial jurisdiction of the independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions. At the time of such termination, the independent counsel shall file the final report required by section 594(i)(1)(C).

"§ 597. Relationship with Department of Justice

"(a) SUSPENSION OF OTHER INVESTIGATIONS AND PROCEEDINGS; RESOLUTION OF DISPUTES.—Whenever a matter is in the prosecutorial jurisdiction of an independent counsel or has been accepted by an independent counsel under section 594(e), the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding such matter, except to the extent required by section 594(d), and except insofar as such independent counsel agrees in writing that such investigation or proceedings may be continued by the Department of Justice. The division of the court shall resolve any dispute regarding the jurisdiction of the independent counsel or whether investigations or proceedings referred to in the first sentence of this subsection should be suspended. Any documents or other information in the custody of the division of the court with respect to such dispute shall be subject to the limitations on disclosure set forth in section 593(i).

"(b) PRESENTATION AS AMICUS CURIAE PERMITTED.—Nothing in this chapter shall prevent the Attorney General or the Solicitor General from making a presentation as amicus curiae to any court as to issues of law raised by any case or proceeding in which an independent counsel participates in an official capacity or any appeal of such a case or proceeding.

"§ 598. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.".

SEC. 3. TECHNICAL AMENDMENTS.

(a) TITLE 28, UNITED STATES CODE.—

(1) TABLE OF CONTENTS.—The table of chapters at the beginning of part II of title 28, United States Code, is amended by striking out

"39. Independent Counsel"

and inserting in lieu thereof

"40. Independent Counsel".

(2) REDESIGNATION.—Section 49(f) of title 28, United States Code, is amended—

(A) by striking out "39" each place it appears and inserting in lieu thereof "40"; and

(B) by striking out "a independent" and inserting in lieu thereof "an independent".

(b) COMPREHENSIVE CRIME CONTROL ACT OF 1984.—Section 228(b) of the Comprehensive Crime Control Act of 1984 is amended by inserting "each place it appears" after " 'petty offense' ".

(c) STATUS OF INDEPENDENT COUNSEL AS A SPECIAL GOVERNMENT EMPLOYEE.—

(1) AMENDMENT TO TITLE 18.—The first sentence of section 202(a) of title 18, United States Code, is amended by—

(A) striking out "or" after "United States Commissioner,"; and

(B) striking out the period at the end of the sentence and inserting in lieu thereof the following: ", or, regardless of the number of days of appointment, an independent counsel appointed under chapter 40 of title 28, together with any persons appointed by that independent counsel under section 594(c) of title 28.".

(2) FINANCIAL DISCLOSURE REQUIREMENTS.—Section 203(b) of the Ethics in Government Act of 1978 is amended by striking out "and the Vice President" and inserting in lieu thereof ", the Vice President, and independent counsels and other persons appointed under chapter 40 of title 28".

(d) CLERK OF THE DIVISION OF THE COURT.—Section 49(a) of title 28, United States Code, is amended by adding at the end thereof the following: "The clerk of the United States Court of Appeals for the District of Columbia shall serve as the clerk of such division of the court and shall provide such services as are needed by such division of the court."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act take effect on the date of the enactment of this Act.

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1987

SECTION 1. Short Title.

This section states the title of the bill.

SEC. 2. Amendments.

This section replaces the current text of the independent counsel statute with the following provisions.

SEC. 591. Applicability.

Section 591 establishes when the statute is triggered, who is covered, and the circumstances requiring the recusal of the Attorney General.

Triggering the Statute. Subsection (a) is the same as current law to the extent that it establishes the primary trigger for the Act to be the moment when the Attorney General receives information about a covered official.

Subsection (a)(1) makes one substantive change in the existing statute. The current law directs the Attorney General to proceed under the statute upon receiving information that a person "has committed" a violation of federal criminal law. Subsection (a)(1) clarifies that, at this early stage in the process, it is difficult to make that judgment and accordingly directs the Attorney General to proceed if the information indicates that a person "may have violated" a federal criminal law.

The next two subsections of the bill have been modified to deal with a new, disturbing practice of the Department of Justice in which the Department conducts a "threshold inquiry" to determine whether information received under the Act is sufficient to trigger a preliminary investigation. These inquiries have sometimes lasted months, involved elaborate legal and factual analyses, and led to the termination of proceedings under the Act.

Subsection (a)(2) states that, in deciding whether to conduct a preliminary investigation under the statute, "the Attorney General shall consider only—(A) the specificity of the information received, and (B) the credibility of the source of the information." This subsection adds the word "only" to the current standard for deciding whether to conduct a preliminary investigation in order to emphasize Congress' original intent that the decision rest on these two factors alone.

Further, subsection (a)(3) creates a new reporting requirement which attaches if and only if a "threshold inquiry" lasts more than 30 days. It states that if the Attorney General fails to decide whether to initiate a preliminary investigation within 30 days of receiving the information *and* later decides not to proceed under the Act, the Attorney General must file an explanatory report with the court.

Under this new provision, frivolous allegations may still be dismissed by the Attorney General with few formalities. Cases whose allegations are examined for more than 30 days, however, may be closed by the Department of Justice only with an explanatory report to the court. The new reporting requirement attaches only to cases where no preliminary investigation takes place to ensure that the Attorney General files only one explanatory report per case—after either a preliminary investigation or a "threshold inquiry" lasting more than 30 days.

Coverage. Subsection (b) describes the persons covered by the Act. It is the same as current law, except for three changes. In subparagraph (6), the overall cap on the time that covered persons are subject to the Act is increased from two years to five. This change is designed to ensure that persons like Michael Deaver and Franklyn Nofziger, who continue to have close ties to an Administration for a number of years after leaving office, are subject to the independent counsel process.

Second, the bill clarifies language in subparagraph (8) which describes which campaign officials are covered by the Act. Finally, in subparagraph (9) authorizing independent counsel investigations of any person whose investigation by the Department of Justice might result in a conflict of interest, the bill deletes the word "political" as confusing and overinclusive.

Recusal. Subsection (c) is a new provision governing the recusal of the Attorney General from cases under the Act. It requires the Attorney General to consider recusal in every independent counsel case. It states that recusal is required whenever information received under the Act involves a high-level official in the Department of Justice or "a person with whom the Attorney General has a current or recent personal or financial relationship." This standard is designed to prevent the Attorney General from handling cases in which, for example, he or she particiapted in the underlying facts or had the type of relationship with a person in the case which creates an appearance of or an actual conflict of interest.

Subsection (c) requires the recusal decision to be in writing and to specify the facts and reasons that were considered in reaching the decision. The writing requirement applies whether the Attorney General ultimately decides in favor or against recusal. Its purpose is to enable other persons to better understand the standards and reasoning used by the Attorneys General in reaching a recusal decision.

The recusal decision must be made prior to the Attorney General's making any other determination required by the Act, including such determination as the need for a preliminary investigation or the need for an independent counsel. In the event of a recusal, the provision requires the Attorney General to appoint the U.S. Attorney for the District of Columbia to perform the statutory duties or, if the U.S. Attorney is disqualified due to a conflict of interest, another appropriate DOJ official.

SEC. 592. Preliminary Investigation and Requesting an Independent Counsel.

Section 592 governs preliminary investigations and the decision to request an independent counsel. In these stages of the independent counsel process, the Attorney General and the Department of Justice play the most prominent role.

Preliminary Investigations. Subsection (a) provides the general rules for preliminary investigations. Subsection (a)(1) closely parallels current law, but clarifies the requirement that the preliminary investigation not exceed 90 days from the date the triggering information was first received under the Act.

Subsection (a)(2) authorizes Congress to ask the Attorney General to request an independent counsel. It is the same as current law, except that it clarifies that Congress may request the initiation of a preliminary investigation as well as the appointment of an independent counsel.

Subsection (a)(3) prohibits the Attorney General, when conducting preliminary investigations, from using grand juries, plea bargaining, grants of immunity or subpoenas. It is the same as current law, but also adds a new provision stating that the Attorney "shall not, in whole or in part, base a decision not to conduct a preliminary investigation or not to apply for the appointment of an independent counsel" upon a determination that the target of the investigation "lacked the state of mind required for the violation of criminal law involved."

This new provision is the result of cases such as one involving former Deputy Attorney General Edward Schmults where the Attorney General declined to request an independent counsel because he determined Mr. Schmults lacked the necessary criminal intent. Criminal intent is difficult to assess and often requires subjective judgments. It is not the type of factual question that the Attorney General should be resolving in light of the Attorney General's limited role in the independent counsel process and lack of access to grand juries, subpoenas and other investigative tools.

Subsection (a)(4) permits one 60-day extension of the time available to complete a preliminary investigation. It is the same as current law.

Declining To Request An Independent Counsel. Subsection (b) covers the situation in which, after conducting a preliminary investigation, the Attorney General declines to request the appointment of an independent counsel. The subsection uses the same standard as current law, except that it emphasizes, at this point in the independent counsel process, that the decision not to proceed under the Act must rest on a judgment about the need for further "investigation" rather than on the ultimate prospects for conviction.

Requesting an Independent Counsel. Subsection (c) covers the situation in which the Attorney General requests the appointment of an independent counsel. It uses the same standards as current law. However, subsection (c)(1) also strengthens the existing statute by clarifying and tightening some of the provisions applicable to the Attorney General.

For example, current law directs the Attorney General, when deciding whether to request an independent counsel, to consider Department policies on the "enforcement of criminal laws." Hearings held by the Subcommittee on Oversight of Government Management indicate that the Attorney General has relied on this provision to justify replacing the statutory standard for requesting an independent counsel—which asks whether there are "reasonable grounds to believe further investigation or prosecution is warranted"—with a Departmental policy related to indictments—which asks whether there is a "reasonable prospect of conviction." Subsection (c)(1) stops this misuse of the statute by stating that, in deciding whether to request an independent counsel to continue the investigation of a matter, the Attorney General shall consider only those policies which "pertain to the conduct of criminal investigations."

The remainder of the section which deals with the receipt of additional information about a case, describes how to apply for an independent counsel, and prohibits judicial review of a decision to seek an independent counsel, is substantially the same as current law.

SEC. 593. The Special Court.

Section 593 establishes the duties of the independent counsel division of the U.S. Court of Appeals for the District of Columbia (also called the "special court"). It is essentially the same as current law except for the following provisions.

REMAND AUTHORITY. A new subsection (e) states that, when the special court receives notice from the Attorney General declining to appoint an independent counsel in a particular case or declining to investigate matters which a sitting independent counsel has asked to be investigated, the court may not change this decision in any way, but may remand the matter to the Attorney General for further explanation of the reasons for the decision. This new remand provision will increase the accountability of the Attorney General for decisions not to proceed under the Act.

JURISDICTIONAL SCOPE. A new subsection (c) clarifies the scope of an independent counsel's prosecutorial jurisdiction by providing that it automatically includes the authority to investigate and prosecute federal crimes arising out of the investigation or prosecution itself such as perjury, obstruction of justice, destruction of evidence and intimidation of witnesses. This provision codifies current practice.

QUALIFICATIONS. Subsection (f) describes the qualifications for an independent counsel. It contains one new provision directing the special court to appoint individuals who will conduct their activities in "a prompt, responsible, and cost-effective manner." This provision is designed to encourage the selection of persons who will not only perform thorough investigations, but also act with reasonable regard for the expense of litigation and the taxpayers' purse.

ATTORNEY FEES. Subsection (h) contains two new provisions related to the special court's authority to award attorney fees to targets of independent counsel investigations. The first places a cap on the hourly rate that can be awarded to a target's attorney, stating it cannot exceed the hourly rate paid to the independent counsel in the case. The second authorizes the court to obtain from the Department of Justice an evaluation of any attorney fee request.

DISCLOSURE OF COURT FILINGS. The next two subsections consolidate and clarify the statutory provisions governing disclosure of court filings. Subsection (i), which maintains current law, prohibits the release of court filings without the special court's express permission. New provisions make it clear, however, that any person may file a motion with the court to see these materials, and that special consideration should be given to document requests from Congressional committees with responsibilities to oversee the independent counsel process.

Subsection (j), also new, authorizes the special court, "when presented with important legal issues," to disclose information about these issues so that interested parties may contribute to the analysis of them through amicus curiae briefs. This provision is designed to cure a problem which arose, for example, when the special court was presented with an independent counsel's request for expanded jurisdiction in *In re Olson* to investigate persons whom the Attorney General had already twice refused to subject to an independent counsel investigation.

This motion presented crucial issues of first impression, with constitutional implications for the entire Act, but because the court did not reveal any information about it until after ruling on the request, interested observers were unable to address the issues in any way. Subsection (j) is intended to correct this situation by authorizing the court, when faced with important legal issues, to reveal sufficient information about them to permit the public to participate in the legal debate.

SEC. 594. Independent Counsel.

Section 594 establishes the authority and duties of an independent counsel.

Most of the subsections are the same as current law, including those describing the authority of an independent counsel, compensation for the office, availability of staff, the duty of the Department of Justice to assist independent counsel investigations, the right of the Department to refer related matters to an independent counsel, the independent counsel's right to dismiss matters, and the independent counsel's duty to report to Congress on matters related to impeachment. There are also some new provisions.

Requests for Expanded Jurisdiction. Under the existing statute, if an independent counsel receives or uncovers information about criminal conduct which is outside but "related to" his or her prosecutorial jurisdiction, the independent counsel may ask either the Attorney General or the special court for expanded authority to investigate the new matter. Case law significantly restricts this provision, however, in a 1987 ruling in *In re Olson*, where the independent counsel had requested expanded jurisdiction to investigate persons whom the Attorney General had twice refused to subject to an independent counsel investigation. The special court ruled in that case that its authority to grant a request for expanded jurisdiction does not extend to cases where the Attorney General has previously denied the same request.

In light of this recent ruling by the special court, the bill deletes the authority of the special court to grant, on its own, a request for expanded jurisdiction and instead directs independent counsels to present requests for expanded jurisdiction first to the Attorney General. The bill then requires the Attorney General to conduct a preliminary investigation of the new matter for no longer than 30 days. After this investigation, the Attorney General must decide whether to grant the request for expanded jurisdiction and refer the matter to the existing independent counsel, to request the appointment of a new independent counsel, or to close the matter because "there are no reasonable grounds to believe that further investigation is warranted." In making this decision, the legislation requires the Attor-

ney General to accord "great weight" to any recommendations from the sitting independent counsel.

This statutory scheme means that only the Attorney General can authorize an independent counsel to investigate new matters. By lodging this final decisionmaking authority with the Attorney General, but also requiring the Attorney General to give "great weight" to the recommendations of the sitting independent counsel, the bill establishes a process by which a request for expanded jurisdiction is handled not only within the constraints of the Constitution, but also with the independent counsel's being assured of a meaningful role in the decision.

Referrals of Ethical Violations. Another new provision is subsection (h). It permits an independent counsel to refer noncriminal violations of federal ethical standards to the Office of Government Ethics and any other appropriate federal agency or officer. This provision is included, because at least one independent counsel has indicated that, under current law, independent counsels lack the authority to make such referrals.

Reports. Subsection (i) is a modified provision which increases the accountability of independent counsels by expanding their reporting obligations. Under current law, independent counsel are required to file a final report before terminating office. The new provision requires an independent counsel to file an "initial report" within 30 days of appointment and a "status report" every 60 days thereafter, as well as the "final report" required under current law. These reports are filed with the special court, which controls their release. This provision is designed to enable Congress to keep better track of the independent counsels' activities and costs.

Materials from Closed Cases. Another new provision is subsection (k). It is a needed housekeeping measure governing what happens to materials compiled by independent counsels. It instructs each independent counsel to segregate grand jury materials from other materials and, upon terminating office, to turn over all materials to the National Archivist.

The National Archivist may then release grand jury materials from a closed independent counsel case only after receiving a request, notifying the special court, and complying with Rule 6(e) of the Federal Rules of Criminal Procedure. The National Archivist may release non-grand jury materials only after receiving a request, notifying the special court, and determining that the person making the request has demonstrated that the materials are "relevant and necessary" to conduct a prosecution. The purpose of these provisions is to ensure that materials from closed independent counsel cases are not generally available to the public, but may be used in subsequent prosecutions.

Standards for Conduct. Finally, a new subsection (l) resolves an ongoing controversy as to the standards of conduct applicable to independent counsels and their staffs. Subparagraph (1) states that each independent counsel, together with the persons he or she appoints as staff, forms an agency distinct from the Department of Justice for purposes of applying earnings and post-employment restrictions on federal employees. A later section of the bill clarifies their status as "special government employees."

Subparagraph (2) prohibits an independent counsel from simultaneously representing another person subject to proceedings under this Act or from simultaneously holding any other office with the United States. This provision prevents even an appearance of impropriety or of overly-familiar associations with the Department of Justice and other executive agencies. Similarly, subparagraph (3) imposes a five-year ban on an independent counsel or staff's later representing a person who was a target of their proceedings under this Act.

SEC. 595. Congressional Oversight.

Section 595 governs Congressional oversight of the independent counsel process.

The only new provision here, in subsection (b), increases Congressional oversight of the Attorney General's conduct in the independent counsel process. It states that, in the early stages of the independent counsel process, the Attorney General must supply Congress with certain basic information about cases which have become known to the public, such as whether proceedings are taking place under the Act and whether a decision has been reached not to initiate a preliminary investigation in a particular matter. The subsection also requires the Department of Justice to disclose documents from closed independent counsel cases. These provisions will enable Congressional committees with oversight responsibilities to keep better track of actions taken by the Attorney General to implement this Act.

SEC. 596. Removal or Termination of Office.

Section 596 governs actions taken to remove an independent counsel from office or to otherwise terminate the office. It is the same as current law, except for one new provision which states explicitly that "removal for good cause shall not justify a removal based on the refusal of an independent counsel to obey an order of the President if that order would violate the purposes of this chapter."

The bill adds this statement to the Act because of testimony by the Department of Justice before the Subcommittee on Oversight of Government Management that an independent counsel's failure to obey any lawful Presidential order would constitute "good cause" for removal. This position is clearly overbroad. For example, an independent counsel who disobeyed a Presidential order to grant prosecutorial immunity to a major target in an investigation should not, for that reason, be subject to removal. To the contrary, the independent counsel would be acting with the very independence of judgment that this Act seeks to ensure. For this reason, the bill makes it clear that Presidential orders which go to the heart of this statute and seek to compromise the independence of the proceedings under this Act, can be disobeyed by an independent counsel without fear of removal.

SEC. 597. Department of Justice.

Section 597 describes the relationship between the Department of Justice and the independent counsels. It is the same as current law.

SEC. 598. Separability.

This new section makes explicit the common law rule that, in the event a court finds any portion of the statute invalid, the remainder of the statute stays in effect.

SEC. 3. Technical Amendments.

This section of the bill changes the appropriate chapter tables and headings in the United States Code; coordinates certain provisions of the statute with the Comprehensive Crime Control Act of 1984; clarifies the status of independent counsel and their staffs as "special government employees"; and clarifies the status and duties of the clerk of the special court.

SEC. 4. Effective Date.

This section states that the effective date of the statute will be the date of its enactment.●

● Mr. COHEN. Mr. President, I am pleased to join my colleague, Senator LEVIN, in introducing legislation to provide a permanent authorization for the independent counsel provisions of the Ethics in Government Act of 1978, and to correct problems of the current law. This bill includes provisions of S. 753, which I introduced earlier this year, as well as several amendments developed from recent oversight hearings held by the Subcommittee on Oversight of Government Management on this law.

Unless reauthorized, the independent counsel provisions of the Ethics Act will expire in January of next year. As my colleagues know, the independent counsel process was established by the Congress in 1978—and reauthorized in 1982—as necessary to ensure that investigations and prosecutions of top-level executive branch officials are conducted fully and fairly. By providing for a judicially appointed independent counsel to handle such cases in limited circumstances, the process established by the Ethics Act helps assure the public that criminal wrongdoing by top-level Government officials will not be buried or tolerated, and that top-level officials will not be treated as if they are above the law.

I firmly believe that the independent counsel process should not be viewed as an affront to the integrity of any one Department of Justice or administration. Conflict of interest problems are not unique to any one administration or political party. Scandals involving high-ranking Government officials date far back into our Nation's history and transcend party lines. An institutional mechanism, such as the independent counsel law, will always be necessary to guard against inherent conflicts of interest that occur whenever the executive branch is called upon to investigate itself. Not only does such a statutory process enhance public confidence in the handling of prosecutions involving officials, but it also helps the officials themselves who have been cleared by such a process, by removing the suspicion that the official was "let off easy" by his or her own administration.

Because these conflict-of-interest problems will always be with us, the bill we are introducing today removes the sunset date now imposed on the independent counsel law.

This legislation also corrects flaws in the law that have come to light since its last reauthorization. In 1982, the Subcommittee on Oversight of Government Management, which I then chaired, conducted an extensive investigation and held several hearings on how well the independent counsel

process was working. At that time, we were faced with the problems that the law triggered too easily, that the coverage of officials by the law was too extensive, and that the law at times treated public officials unfairly. Legislation proposed by the subcommittee in 1982 and signed into law corrected those deficiencies in the law.

Now, 5 years later, we are faced with a different set of problems. Hearings held by the Oversight Subcommittee this past March revealed disturbing evidence that the Department of Justice has interpreted the standards established by the law too broadly, and has conducted extensive inquiries before triggering the law even when the statutory standard has been met. Such extended inquiries outside the scope of the law can undermine the entire independent counsel process itself, by allowing the Attorney General to exercise too much discretion in deciding when the law must be used and by removing accountability of the Attorney General's actions. The hearings also revealed that the Attorney General has participated in cases, arising under the independent counsel law, in which he has a personal or financial interest, raising questions over whether the decisions in these cases are tainted by conflicts of interest. Other problem areas exist in the statute, such as ambiguity over the extent to which the court can expand the jurisdiction of an existing independent counsel to investigate other matters or persons, the grounds on which an independent counsel can be removed for good cause, and the appropriate standards of conduct that govern an independent counsel who has been named by the court to investigate an official under the act.

The legislation we are introducing today would go far in correcting these problems. Like S. 753, this bill would amend the threshold triggering a preliminary investigation to require the Attorney General to conduct an investigation if he or she receives information that an official covered by the act may have violated a Federal criminal law. The bill would also prohibit the Attorney General from basing his decision not to conduct a preliminary investigation or to seek appointment of an independent counsel on the grounds that the subject of the investigation lacked the necessary criminal intent to violate a law, as determinations of intent should properly be resolved by an independent counsel. The bill would also require the Attorney General to report to the court, in limited circumstances, when he or she has decided not to conduct a preliminary investigation, thus guarding against abuse of discretion by the Attorney General.

This legislation would also establish a mechanism to handle requests by the independent counsel for expanded jurisdiction in a means that would be consistent with the constitutional principle of separation of powers. The bill specifies that whenever the independent counsel, during the course of his or her ongoing probe, receives information that an additional person or matter not covered in his or her original jurisdiction involves a violation of criminal law, he or she must submit this information to the Attorney General as specific and credible information that requires investigation under the act. The Attorney General would then conduct an expedited preliminary investigation, as prescribed by the law, and report to the court on whether an independent counsel is required for this new allegation. If an independent counsel is recommended by the Attorney General, the court must refer the matter to the independent counsel. If not, the court would have no authority to refer the matter. Checks on abuses by the Attorney General would exist through the fact that these filings can be revealed to the public or the Congress by the court. I believe that this approach, which was also contained in my earlier bill, S. 753, will ensure accountability of the Attorney General's decision not to honor the request of an independent counsel, while remaining within constitutional limitations.

This legislation also includes provisions to address the need for recusal of the Attorney General in cases in which he has a personal or financial interest, the ethical standards that govern the independent counsel, and the need for adequate oversight of the independent counsel process by the courts and the Congress.

Mr. President, amending this law is a delicate process requiring the Congress to strike the appropriate balance between the needs of public confidence in government and the fair treatment of individuals who are subject to the law. In striking this balance, we must also ensure that we remain soundly within the constitutional mandate of separation of powers. The bill we are offering today balances all of these concerns fairly and reasonably.

Now, more than ever, at a time when there are six ongoing independent counsel investigations and the law has come under attack by subjects of some of these investigations on constitutional grounds, it is crucial that the Congress reaffirm its commitment to the independent counsel process.

I want to commend the able chairman of the Subcommittee on Oversight of Government Management, Senator LEVIN, for his valuable efforts in amending this law, which is so important to ensuring public confidence of our citizens in the integrity of government.●

By Mr. MATSUNAGA (for himself, Mr. WEICKER, Mr. INOUYE, Mr. MURKOWSKI, Mr. BINGAMAN, and Mr. HECHT):

S. 1294. A bill to promote the development of technologies which will enable fuel cells to use alternative fuel sources; to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA (for himself, Mr. WEICKER, Mr. INOUYE, Mr. MURKOWSKI, and Mr. BINGAMAN):

S. 1295. A bill to develop a national policy for the utilization of fuel cell technology; to the Committee on Energy and Natural Resources.

Mr. MATSUNAGA. Mr. President, a new and quite promising energy technology—the fuel cell—is rapidly approaching the point of commercialization. With a little legislative assistance from bills which I am introducing today that point can be drawn even closer.

Much effort has been expended in its research and development on the part of both government and industry. The Federal R&D stake has grown to $335 million during the past 12 years, according to the Congressional Research Service, and the investment of gas utilities has been another $100 million; electric utilities and manufacturers have also contributed to its development. A commercial payoff now is at hand as soon as production costs come down.

The senior Senator from Connecticut, Mr. WEICKER, and I are again introducing two bills to facilitate this most promising technology, as we did in the 99th Congress. We are being joined as cosponsors by Senators MURKOWSKI, INOUYE, and BINGAMAN, and on one of the measures by the Senator from Nevada, Mr. HECHT.

Our first bill is a modest measure designed to support research for the "second generation" of fuel cells which are expected to employ renewable energy sources in order to produce hydrogen for use in the operation of fuel cells. Currently natural gas is the fuel of choice for these energy cells where it is available, but the technology has many advantages for remote locations lacking access to this fuel source. Also, renewable energy production applications will be necessary in the future when natural gas may become too expensive for use in this application.

Our second bill, "The Fuel Cell Energy Utilization Act," is aimed at expediting the technology's commercialization by assessing its export potential in order to encourage production runs whereby economies of scale can bring down its unit price. First cost hurdles may be more easily overcome in overseas countries where competing energy technologies are less available. Therefore, this legislation

requires the Commerce Department's International Trade Administration to assess the technology's overseas market under the provisions of the 1983 Wyden Act in support of a domestic renewable energy industry. It also instructs the Environmental Protection Agency to issue suggested guidelines for use by municipalities concerning the accommodation of this technology in their fire codes. New York City and Tokyo, Japan, are two municipalities with experience in the operation of fuel cells for electric power which can be drawn upon in formulating such guidelines.

The fuel cell, an electrochemical device first constructed by Sir William Grove in 1839, had its initial practical application in the Gemini V flight of August 1965, where it proved to be an efficient, reliable power generator with very high energy density. It operates by combining hydrogen-rich gas with air and converting the chemical energy of this mixture into electricity directly without any intermediate combustion step. Hence its high efficiency. Taking in air, and a liquid or gaseous hydrocarbon fuel, it turns out direct current at high conversion efficiency rates, 40 to 60 percent, plus a low amount of waste heat and water with carbon dioxide. Heat generated is sufficient to permit cogeneration space heating, for an overall efficiency rate as high as 80 percent.

In fact, in a field test of a 40 kilowatt phosphoric acid cell conducted by Southern California Gas Co., at an indoor recreation facility in Fountain Valley, CA, a 100-percent efficiency rating was achieved employing cogenerated thermal energy for heating a pool in addition to providing hot water for its laundry and showers. A typical cell produces high direct current in a low voltage. Practical voltages are obtained by connecting many individual cells into what is referred to as a cell stack.

Besides their high efficiencies, fuel cells offer to public utilities a number of logistical advantages springing from their modular construction. They may also be utilized in decentralized power systems, including hybrid applications with renewable systems. "The Renewable Energy/Fuel Cell Systems Integration Act of 1987," in addition to supporting research on renewable energy sources for the production of hydrogen for use in fuel cells, would support research on the operation of fuel cells which use methane gas, generated from various forms of biomass. It would also support research on determining the technical requirements for use of fuel cells in electric power production as backup spinning reserve to renewable power systems in rural and isolated areas. This could be a boon to wind power generation in terms of assuring production continuity.

Hearings were held on "the Fuel Cell Energy Utilization Act," which the senior Senator from Connecticut, Mr. WEICKER and I introduced in the 99th Congress, and it was reported out favorably by the Energy and Natural Resources Committee. It was awaiting floor action on the calendar at the time of adjournment.

Mr. President, it is time to capitalize on fuel cell energy technology as called for in these two measures and I ask for the support of my colleagues in securing their passage. I ask unanimous consent that the test of the two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy/Fuel Cell Systems Integration Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that while the Federal Government has invested heavily in fuel cell technology over the past 10 years ($334,700,000 in research and development on fuel cells for electric power production), research on technologies that enable fuel cells to use alternative fuel sources needs to be undertaken in order to fulfill the conservation promise of fuel cells as an energy source.

(b) PURPOSE.—The purpose of this Act is to provide funds for research on technologies that will enable fuel cells to use alternative fuel sources.

SEC. 3. RESEARCH PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary of Energy shall implement and carry out a research program for the purpose of—

(1) exploring the operation of fuel cells employing methane gas generated from various forms of biomass;

(2) developing technologies to use renewable energy sources, including wind and solar energy, to produce hydrogen for use in fuel cells; and

(3) determining the technical requirements for employing fuel cells for electric power production as backup spinning reserve components to renewable power systems in rural and isolated areas.

(b) GRANTS.—In carrying out the research program authorized in subsection (a), the Secretary of Energy may make grants to, or enter into contracts with, private research laboratories.

SEC. 4. REPORT TO CONGRESS.

The Secretary of Energy shall transmit to the Congress on or before September 30, 1989, a comprehensive report on research carried out pursuant to this Act.

SEC. 5. AUTHORIZATION.

There are hereby authorized to be appropriated $5,000,000 for fiscal year 1988 to the Secretary of Energy to be used to conduct research as provided in this Act.

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Cells Energy Utilization Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) while the Federal Government has invested substantially in fuel cell technology through research and development during the past 10 years, there is no national policy for acting upon the findings of this research and development; and

(2) if such a national policy were developed, the public investment in fuel cell technology would be realized through reduced dependency on imported oil for energy and the consequent improvement in the international trade accounts of the United States.

SEC. 3. INCLUSION OF FUEL CELLS AS A FUEL CONSERVATION TECHNOLOGY UNDER REIDA.

Section 256 of the Energy Policy and Conservation Act is amended by inserting at the end thereof the following:

"(e) For purposes of this section, the term 'domestic renewable energy industry' shall include industries using fuel cell technology.".

SEC. 4. ENVIRONMENTAL PROTECTION AGENCY GUIDELINES FOR USE OF FUEL CELL TECHNOLOGIES.

Within 180 days of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall prepare Federal guidelines for cities and municipalities specifying environmental and safety standards for the use of fuel cell technology. In the preparation of the guidelines, the Administrator shall utilize the successful experience of the New York City Fire Department in the use of fuel cell technologies.

SEC. 5. DEPARTMENT OF COMMERCE INVESTIGATION OF EXPORT MARKET POTENTIAL FOR INTEGRATED FUEL CELL SYSTEMS.

Within 180 days of the date of enactment of this Act, the Secretary of Commerce shall assess and report to Congress concerning the export market potential for integrated systems of fuel cells with renewable power technologies.

Mr. WEICKER. Mr. President, I rise today to join my colleague, Senator MATSUNAGA of Hawaii, to introduce bills which will support the continued research and development of the fuel cell. Fuel cell technology holds the future as a means of generating electricity from chemical energy at very high efficiencies and with very little environmental impact. Fuel cells can be designed for many applications and levels of power production. Further, fuel cells represents a sophisticated technology that may soon be a significant export items for the United States.

Briefly, the first bill, the Renewable Energy Fuel Cell Systems Integration Act of 1987 supports research on how to use renewable energy sources, including wind and solar, to produce the hydrogen for use in fuel cells. The bill also supports research on the operation of fuel cells which use methane gas generated from biomass and in use as a backup system to other power sources such as solar or wind technologies—$5 million is authorized, in this bill, for the research effort.

The second bill, the Fuel Cells Energy Utilization Act of 1987, would include fuel cells under the provisions of the Renewable Energy Industry Development Act as a fuel conservation technology, by itself or when used for cogeneration. This would allow the Department of Commerce to assess international markets for the technology, identify export barriers and focus Federal assistance for the promotion and export of fuel cells. Additionally, the Environmental Protection Agency will be required to prepare general guidelines for local governments to permit the use of fuel cells, subject to environment and safety standards. A bill identical to this one was favorably reported from the Energy Committee last year.

Mr. President, these bills are recommended by experts for the advancement of fuel cell technology. It is my belief that we must promote emerging technologies in order to conserve energy supplies, decrease our dependence upon foreign oil stocks, and promote the establishment of a long-term energy stability in our country's economy. I feel these bills will assist the United States in this effort.

I encourage my colleagues to consider and lend their support to these bills.

By Mr. MATSUNAGA (for himself, Mr. EVANS, and Mr. INOUYE):

S. 1296. A bill to establish a hydrogen research and development program; to the Committee on Energy and Natural Resources.

HYDROGEN RESEARCH AND DEVELOPMENT ACT

Mr. MATSUNAGA. Mr. President, we are advised as children "if at first, you don't succeed, try, try, try again." It is an admonition I have lived by throughout my congressional career and it has served me well. Fortunately, I have served long enough to have enjoyed on more than one occasion the legislative fruits which come to those who persist until a majority of their colleagues share their wisdom.

Moreover, I have made a convert from the other side of the aisle to this philosophy of perseverance: my good friend, the senior Senator from Washington, Mr. EVANS. This is my way of saying that he and I are introducing once again a bill to provide for a national hydrogen research and development program. We are joined in this Congress by my colleague, the senior Senator from Hawaii, Mr. INOUYE, as an original cosponsor. This is the third time Senator EVANS and I have both sponsored this needed legislation; in fact, it is the fourth time for me, although I am sure I would have gained his support the first time had he been in the Senate then. In this 100th Congress—with its focus on America's competitive standing in the global marketplace—the urgency of establishing a national effort to advance the use of hydrogen energy is more clearly evident than ever. This is because of the priority given to hydrogen R&D activity by such industrial nations as West Germany and Japan, as well as Canada, the Netherlands, and Brazil. Canada recently has forged ahead in this field by emphasizing hydrogen production from water by electrolysis, using electricity from nuclear powerplants. Yet hydrogen energy represents a technology that was pioneered in our own country.

Mr. President, I have said in this chamber before that this hydrogen legislation should draw support from all quarters: solar and renewable proponents, nuclear advocates, and those concerned with the interests of both coal and natural gas. Its appeal to solar people is apparent, since hydrogen is environmentally benign and contributes not one iota to the greenhouse effect on the atmosphere. The renewables represent the most promising sources for its production. Furthermore, hydrogen is the key to assuring continuity of supply for solar power by providing a ready storage medium, whether overnight or until the clouds scatter in the sky.

For nuclear proponents, hydrogen can be seen as a vehicle for hurdling the safety barrier. Because energy is cheap to transport long distances with hydrogen as a medium, and, after 300 to 400 miles, increasingly cheaper than to transmit through electric wires, nuclear reactors could be located at greater distances from populated areas—even mounted on seaborne rigs.

Injected into declining natural gas fields, hydrogen can serve as an enhancer stretching out the life of dwindling supplies.

If coal-based reactors were built at the seashore, they could reject carbon dioxide into the sea, instead of into the air, and transmit energy in the form of hydrogen from coal. This could give us perhaps another half century of coal availability, also without adding anything to the world greenhouse effect.

With all these advantages for so many different energy quarters, this legislation should gain widespread support from the farsighted of all camps. Indeed, hydrogen is hailed by environmental scientists as a clean energy solution to the problem of acid rain as well as to the greenhouse effect. In fact, a memorandum issued by the Clean Energy Research Institute of the University of Miami suggests that hydrogen fuel offers the key to resolving differences between the United States and Canada regarding the acid rain issue.

Canadian industry and government support for hydrogen R&D totaled nearly $15 million last year. In Japan the Ministry of International Trade & Industry is active in supporting hydrogen research as well as related development work in photovoltaics and fuel cells. West Germany has a 15-year program, which began in 1974 and runs through 1989, which has invested an annual average of nearly $2 million in hydrogen research. The Netherlands and Brazil also have mounted ambitious programs.

It is time for the United States to reassert its leadership role in the hydrogen field, Mr. President. The environmental benefits offered by hydrogen are compelling, and it is an energy source which represents the most abundant element on Earth. Its advantages for aviation and space fuel are gaining increasing recognition in industry and government. I have spoken at length on this floor concerning the various government reports regarding hydrogen energy applications. In the 99th Congress the Congressman from California, Mr. GEORGE BROWN, Jr., introduced a companion measure to this one in the House which held hearings and markup sessions. I am pleased to report that Congressman BROWN again is introducing a companion measure to this bill, as well as to my two cell initiatives bills because the technologies involved are so closely related.

Mr. President, in closing, I would urge my colleagues to share my vision of an international hydrogen economy, and join with me in supporting this legislation to assure that the country which pioneered this technology keeps pace in this field with its industrial neighbors. I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hydrogen research and Development Act".

TITLE I—HYDROGEN PRODUCTION AND USE

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that—

(1) due to the limited quantities of naturally occurring petroleum-based fuels, viable alternative fuels and feedstocks must be developed;

(2) priority should be given to the development of alternative fuels with universal availability;

(3) hydrogen is one of the most abundant elements in the Universe, with water, a primary source of hydrogen, covering three-fourths of the Earth;

(4) hydrogen appears promising as an alternative to environmentally damaging fossil fuels;

(5) hydrogen can be transported more efficiently and at less cost than electricity over long distances;

(6) renewable energy resources are potential energy sources that can be used to convert hydrogen from its naturally occurring

states into high quality fuel, feedstock, and energy storage media; and

(7) it is in the national interest to accelerate efforts to develop a domestic capability to economically produce hydrogen in quantities which will make a significant contribution toward reducing the Nation's dependence on conventional fuels.

(b) The purpose of this title is to—

(1) direct the Secretary of Energy to prepare and implement a comprehensive 5-year plan and program to accelerate research and development activities leading to the realization of a domestic capability to produce, distribute, and use hydrogen economically within the shortest time practicable; and

(2) develop renewable energy resources as primary energy sources to be used in the production of hydrogen.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 102. (a) the Secretary shall prepare a comprehensive 5-year program management plan for research and development activities which shall be conducted over a period of no less than 5 years and shall be consistent with the provisions of sections 103 and 104. In the preparation of such plan, the Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Hydrogen Technical Advisory Panel established under section 106, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen production capability within the shortest time practicable.

(b) The Secretary shall transmit the comprehensive program management plan to the Committee on Science, Space and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within 6 months after the date of the enactment of this Act. The plan shall include (but not necessarily be limited to)—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the 5 years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation of the program.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive 5-year plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on and recommendations for improvements in the comprehensive program management plan made by the Hydrogen Technical Advisory Panel established under section 106.

RESEARCH AND DEVELOPMENT

SEC. 103. (a) The Secretary shall establish, within the Department of Energy, a research and development program, consistent with the comprehensive 5-year program management plan under section 102, to ensure the development of a domestic hydrogen fuel production capability within the shortest time practicable.

(b)(1) The Secretary shall initiate research or accelerate existing research in areas which may contribute to the development of hydrogen production and use.

(2) Areas researched shall include production, liquefaction, transmission, distribution, storage, and use. Particular attention shall be given to developing an understanding and resolution of all potential problems of introducing hydrogen production and use into the marketplace.

(c) The Secretary shall give priority to those production techniques that use renewable energy resources as their primary energy source.

(d) The Secretary shall, for the purpose of performing his responsibilities pursuant to this title, solicit proposals for and evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of hydrogen production technology.

(e) The Secretary shall conduct evaluations, arrange for tests and demonstrations, and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

DEMONSTRATIONS AND PLAN

SEC. 104. (a)(1) The Secretary shall conduct demonstrations of hydrogen technology, preferably in self-contained locations, so that technical and nontechnical parameters can be evaluated to best determine commercial applicability of the technology.

(2) Concurrently with activities conducted pursuant to section 103, the Secretary shall conduct small-scale demonstrations of hydrogen technology at self-contained sites.

(b) The Secretary shall, in consultation with the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the Hydrogen Technical Advisory Panel established under section 106, prepare a comprehensive large-scale hydrogen demonstration plan with respect to demonstrations carried out pursuant to subsection (a)(1). Such plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a large-scale hydrogen production demonstration program;

(2) an assessment of the appropriateness of a large-scale demonstration immediately upon completion of the necessary research and development activities; and

(3) an implementation schedule with associated budget and program management resource requirements.

COORDINATION AND CONSULTATION

SEC. 105. (a) The Secretary shall have overall management responsibility for carrying out the program under this title. In carrying out such program, the Secretary, consistent with such overall management responsibility—

(1) shall use the expertise of the National Aeronautics and Space Administration and the Department of Transportation; and

(2) may use the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this title, to the extent that the Secretary determines that any such agency has capabilities which would allow such agency to contribute to the purpose of this title.

(b) The Secretary may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the Executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Secretary deems necessary to carry out any duty under this title.

(c) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen Technical Advisory Panel established under section 106 in carrying out his authorities pursuant to this title.

TECHNICAL PANEL

SEC. 106. (a) There is hereby established a technical panel of the Energy Research Advisory Board, to be known as the Hydrogen Technical Advisory Panel, to advise the Secretary on the program under this title.

(b)(1) The technical panel shall be appointed by the Secretary and shall be comprised of such representatives from domestic industry, universities, professional societies, Government laboratories, financial, environmental, and other organizations as the Secretary, in consultation with the Chairman of the Energy Research Advisory Board, deems appropriate based on his assessment of the technical and other qualifications of such representatives. Appointments to the technical panel shall be made within 90 days after the enactment of this Act. The technical panel shall have a chairman, who shall be elected by the members from among their number.

(2) Members of the technical panel need not be members of the full Energy Research Advisory Board.

(c) The activities of the technical panel shall be in compliance with any laws and regulations guiding the activities of technical and fact-finding groups reporting to the Energy Research Advisory Board.

(d) The heads of the departments, agencies, and instrumentalities of the Executive branch of the Federal Government shall cooperate with the technical panel in carrying out the requirements of this section and shall furnish to the technical panel such information as the technical panel deems necessary to carry out this section.

(e) The technical panel shall review and make any necessary recommendations on the following items, among others—

(1) the implementation and conduct of the program under this title; and

(2) the economic, technological, and environmental consequences of the deployment of hydrogen production and use systems.

(f) The technical panel shall prepare and submit annually to the Energy Research Advisory Board a written report of its findings and recommendations with regard to the program under this title. The report shall include—

(1) a summary of the technical panel's activities for the preceding year;

(2) an assessment and evaluation of the status of the program; and

(3) comments on and recommendations for improvements in the comprehensive 5-year program management plan required under section 102.

(g) After consideration of the technical panel report and within 30 days after its receipt, the Energy Research Advisory Board shall submit the report, together with any comments which the Board deems appropriate, to the Secretary.

(h) The Secretary shall provide such staff, funds, and other support as may be necessary to enable the technical panel to carry out the functions described in this section.

DEFINITIONS

SEC. 107. As used in this title—

(1) the term "Secretary" means the Secretary of Energy; and

(2) the term "capability" means proven technical ability.

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. There is hereby authorized to be appropriated to carry out the purpose of this title (in addition to any amounts made available for such purpose pursuant to other Acts)—

(1) $10,000,000 for the fiscal year beginning October 1, 1987;

(2) $15,000,000 for the fiscal year beginning October 1, 1988;

(3) $20,000,000 for the fiscal year beginning October 1, 1989;

(4) $25,000,000 for the fiscal year beginning October 1, 1990; and

(5) $30,000,000 for the fiscal year beginning October 1, 1991.

TITLE II—HYDROGEN-FUELED AIRCRAFT RESEARCH AND DEVELOPMENT

FINDINGS AND PURPOSE

SEC. 201. (a) The Congress finds that—

(1) long-term future decreases in petroleum-base fuel availability will seriously impair the operation of the world's air transport fleets;

(2) hydrogen appears to be an attractive alternative to petroleum in the long term to fuel commercial aircraft;

(3) it is therefore in the national interest to accelerate efforts to develop a domestic hydrogen-fueled supersonic and subsonic aircraft capability; and

(4) the use of liquid hydrogen as a commercial air transport fuel has sufficient long-term promise to justify a substantial research, development, and demonstration program.

(b) The purpose of this title is to—

(1) direct the Administrator of the National Aeronautics and Space Administration to prepare and implement a comprehensive 5-year plan and program for the conduct of research, development, and demonstration activities leading to the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable;

(2) establish as a goal broad multinational participation in the program; and

(3) provide a basis for public, industry, and certifying agency acceptance of hydrogen-fueled aircraft as a mode of commercial air transport.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 202. (a) the Administrator shall prepare a comprehensive 5-year program management plan for research, development, and demonstration activities consistent with the provisions of sections 203, 204, and 205. In the preparation of such plan, the Administrator shall consult with the Secretary of Energy, the Secretary of Transportation, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable.

(b) The Administrator shall transmit the comprehensive 5-year program management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate within 6 months after the date of the enactment of this Act. The plan shall include (but not necessarily be limited to)—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including detailed technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the 5 years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation of the program.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive 5-year plan is initially transmitted under subsection (b), the Administrator shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on and recommendations for improvements in the comprehensive program management plan made by the Hydrogen-Fueled Aircraft Advisory Committee established under section 207.

RESEARCH AND DEVELOPMENT

SEC. 203. (a) The Administrator shall establish, within the National Aeronautics and Space Administration, a research and development program consistent with the comprehensive 5-year program management plan under section 202 to ensure the development of a domestic hydrogen-fueled aircraft capability within the shortest time practicable.

(b) The Administrator shall initiate research or accelerate existing research in areas which may contribute to the development of a hydrogen-fueled aircraft capability.

(c) In conducting the program pursuant to this section, the Administrator shall encourage the establishment of domestic industrial capabilities to supply hydrogen-fueled aircraft systems or subsystems to the commercial marketplace.

(d) The Administrator shall, for the purpose of performing his responsibilities pursuant to this Act, solicit proposals for and evaluate any reasonable new or improved technology, a description of which is submitted to the Administrator in writing, which could lead or contribute to the development of hydrogen-fueled aircraft technology.

(e) The Administrator shall conduct evaluations, arrange for tests and demonstrations and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

FLIGHT DEMONSTRATION

SEC. 204. (a) Concurrent with the activities carried out pursuant to section 203, the Administrator shall, in consultation with the Secretary of Transportation, the Secretary of Energy, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 207, prepare a comprehensive flight demonstration plan, the implementation of which shall provide confirmation of the technical feasibility, economic viability, and safety of liquid hydrogen as a fuel for commercial transport aircraft. The comprehensive flight plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a flight demonstration program;

(2) the selection of a domestic site where demonstration activities can lead to early commercialization of the concept;

(3) an assessment of a preliminary flight demonstration to occur concurrently with the later stages of research and development activities; and

(4) an implementation schedule with associated budget and program management resource requirements.

(b) The Administrator shall transmit such comprehensive flight demonstration plan to the Congress within 2 years after the date of the enactment of this Act.

HYDROGEN PRODUCTION AND GROUND FACILITIES

SEC. 205. (a) The Administrator, in consultation with the Secretary of Transportation and the Secretary of Energy, shall define the systems, subsystems, or components associated with the production, transportation, storage, and handling of liquid hydrogen that are specifically required for and unique to the use of such fuel for commercial aircraft application.

(b) The Administrator shall structure the research and development program pursuant to section 203 to allow the development of the systems, subsystems, or components defined pursuant to subsection (a) of this section.

(c) The research and development program for hydrogen production, transportation, and storage systems, subsystems, and components which are suitable for inclusion as part of a fully integrated hydrogen-fueled aircraft system, but which are not being specifically developed for such application shall be the responsibility of the Secretary of Energy. Such activities shall be included as part of the program established pursuant to title I of this Act, and shall be so conducted as to ensure compliance with hydrogen-fueled aircraft system constraints.

COORDINATION AND CONSULTATION

SEC. 206. (a) The Administrator shall have overall management responsibility for carrying out the program under this title. In carrying out such program, the Administrator, consistent with such overall management responsibility—

(1) shall utilize the expertise of the Departments of Transportation and Energy to the extent deemed appropriate by the Administrator, and

(2) may utilize the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this title, to the extent that the Administrator determines that any such agency has capabilities which would allow such agency to contribute to the purposes of this title.

(b) The Administrator may, in accordance with subsection (a), obtain the assistance of

any department, agency, or instrumentality of the Executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Administrator deems necessary to carry out any duty under this title.

(c) The Administrator shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 207 in carrying out his authorities pursuant to this title.

ADVISORY COMMITTEE

SEC. 207. (a) there is hereby established a Hydrogen-Fueled Aircraft Advisory Committee, which shall advise the Administrator on the program under this title.

(b) The Committee shall be appointed by the Administrator and shall be comprised of at least 7 members from industrial, academic, financial, environmental, and legal organizations and such other entities as the Administrator deems appropriate. Appointments to the Committee shall be made within 90 days after the enactment of this Act. The Committee shall have a chairman, who shall be elected by the members from among their number.

(c) the heads of the departments, agencies, and instrumentalities of the Executive branch of the Federal Government shall cooperate with the Committee in carrying out the requirements of this section and shall furnish to the Committee such information as the Committee deems necessary to carry out this section.

(d) The Committee shall meet at least 4 times annually, notwithstanding subsections (e) and (f) of section 10 of Public Law 92-463.

(e) The Committee shall review and make any necessary recommendations on the following items, among others—

(1) the implementation and conduct of the program under this title; and

(2) the economic, technological, and environmental consequences of developing a hydrogen-fueled aircraft capability.

(f) The Committee shall prepare and submit annually to the Administrator a written report of its findings and recommendations with regard to the program under this title. The report shall include—

(1) a summary of the Committee's activities for the preceding year;

(2) an assessment and evaluation of the status of the program; and

(3) comments on and recommendations for improvements in the comprehensive 5-year program management plan required under section 202.

(g) The Administrator shall provide such staff, funds, and other support as may be necessary to enable the Committee to carry out the functions described in this section.

DEFINITIONS

SEC. 208. As used in this title—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "capability" means proven technical ability; and

(3) the term "certifying agency" means any government entity with direct responsibility for assuring public safety in the operation of the air transport system.

AUTHORIZATION OF APPROPRIATIONS

SEC. 209. There is hereby authorized to be appropriated to carry out the purpose of this title—

(1) $10,000,000 for the fiscal year beginning October 1, 1987;

(2) $15,000,000 for the fiscal year beginning October 1, 1988;

(3) $20,000,000 for the fiscal year beginning October 1, 1989;

(4) $25,000,000 for the fiscal year beginning October 1, 1990; and

(5) $30,000,000 for the fiscal year beginning October 1, 1991.

By Mr. SANFORD (for himself and Mr. HELMS):

S.J. Res. 138. Joint resolution to designate the period commencing on July 13, 1987, and ending on July 26, 1987, as "U.S. Olympic Festival-1987 Celebration," and to designate July 17, 1987, as "U.S. Olympic Festival-1987 Day;" to the Committee on the Judiciary.

U.S. OLYMPIC FESTIVAL-87

Mr. SANFORD. Mr. President, I rise today to introduce a joint resolution commemorating the "U.S. Olympic Festival" that will be held in North Carolina in July. Senator HELMS joins me in sponsoring this resolution.

The Olympic Festival is important to our Nation as our leading athletes prepare for the 1988 Olympics. The festival provides world class competition to our athletes and gives our athletic leaders a chance to identify the best that we can offer in international competition.

All North Carolinians are proud that the festival will be held in our State this summer. Our entire State is working together to make the festival a success and we expect over 300,000 people to attend the events. Hill Carrow and the staff at the festival have done a great job in uniting our corporate, university, and Government communities in this effort and are to be congratulated for their work. This resolution would designate a 2-week period in July as "U.S. Olympic Festival-1987 celebration" and July 17 as "U.S. Olympic Festival-1987 Day." The festival begins on July 13 and runs through July 26. Events will be held in Raleigh, Durham, Chapel Hill, Cary, and Greensboro and will involve 4,000 athletes, trainers, and coaches and 7,000 volunteers.

I invite all of our colleagues to join us in cosponsoring this resolution and to visit North Carolina in July to be a part of this great event.

By Mr. STEVENS (for himself, Mr. WILSON, Mr. CRANSTON, Mr. BYRD, Mr. DOLE, Mr. GRAHAM, Mr. BRADLEY, Mr. THURMOND, Mr. KENNEDY, Mr. MCCLURE, Mr. MCCAIN, Mr. BURDICK, Mr. INOUYE, Mr. KARNES, Mr. D'AMATO, Mr. LUGAR, Mr. JOHNSTON, Mr. DOMENICI, Mr. LAUTENBERG, Mr. BOSCHWITZ, Mr. EVANS, Mr. PELL, Mr. QUAYLE, Mr. NUNN, Mr. SANFORD, Mr. REID, Mr. CHAFEE, Mr. HATFIELD, Mr. DURENBERGER, Mr. DECONCINI, Mr. BUMPERS, Mr. MURKOWSKI, Mr. WALLOP, Mr. MATSUNAGA, Mr. GARN, Mr. HUMPHREY, Mr. MITCHELL, Mr. PROXMIRE, Mr. RIEGLE, Mr. HELMS, Mr. PACKWOOD, Mr. BOND, Mr. SYMMS, Ms. MIKULSKI, Mr. GRASSLEY, Mr. GRAMM, Mr. WEICKER, Mr. HEINZ, Mr. KERRY, Mr. LEVIN, Mr. PRYOR, Mr. BOREN, and Mr. SPECTER):

S.J. Res. 140. Joint resolution to designate the week beginning July 13, 1987, as "Snow White Week;" to the Committee on the Judiciary.

SNOW WHITE WEEK

● Mr. STEVENS. Mr. President, in July we will celebrate the 50th anniversary of the release of one of America's most beloved film classics. "Snow White and the Seven Dwarfs" was a milestone for the American motion picture industry. As the first full-length animated feature film, it raised the art of animation to unprecedented heights.

Over the years, "Snow White and the Seven Dwarfs" has received many tributes and awards—including a special Academy Award. In my opinion, however, the film's lasting value is most clearly illustrated by the fact that 50 years after its initial release, it still delights both children and adults. Few other films retain such vitality over the years.

Mr. President, "Snow White" is near and dear to a very important constituency in the Stevens household, my 5-year-old daughter Lily and her friends. I am pleased to introduce—with my distinguished friends, the Senators from California, the majority leader and the minority leader, and 50 of our colleagues—a joint resolution commemorating the 50th anniversary of "Snow White and the Seven Dwarfs."●

By Mr. NICKLES (for himself, Mr. BOREN, Mr. BRADLEY, Mr. DASCHLE, Mr. DECONCINI, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GORE, Mr. HEFLIN, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. LUGAR, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, and Mr. STEVENS):

S.J. Res. 141. Joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day"; to the Committee on the Judiciary.

NATIONAL CHINA-BURMA-INDIA VETERANS APPRECIATION DAY

● Mr. NICKLES. Mr. President, I rise today to introduce a resolution with

Senator BOREN and 22 of our colleagues, which would set aside August 29, 1988, as "National China-Burma-India Veterans Appreciation Day".

As you may recall, the Senate passed a similar resolution in the waning days of the 99th Congress to honor these World War II veterans for their service in the CBI Theatre of Operations. Unfortunately, time did not permit the House to consider it.

The ties that this group of veterans shared during their assignment between December 7, 1941, and March 2, 1946, have not been severed. On the contrary, they seem to grow stronger through the years. There are between 8,000 and 9,000 veterans active in the China-Burma-India Veterans Association and another 150,000 eligibile for membership.

Earlier this month, in a park in Allentown, PA, a monument was dedicated to CBI veterans. The monument, made of jagged granite, reminds all who see it of the rugged and treacherous terrain of the CBI Theater of Operations of World War II, and of the valor and patriotism of those who served there. Although President Reagan could not attend the dedication ceremony, he sent a letter to those gathered for the dedication, and I ask unanimous consent that it be included in the RECORD at this point.

There being no objection, the latter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, May 1, 1987.

It gives me great pleasure to send greetings to all those gathered for the 19th annual "All East" reunion of the China-Burma-India Veterans Association in Allentown, Pennsylvania as you dedicate a monument to the members of our armed forces who served in the CBI Theater in World War II.

Each of you has gone his separate way in the world, but—as this event proves once again—the service and sacrifice you shared in defense of freedom forged a bond of brotherhood that time and distance cannot break. Whether you helped fly supplies over the Hump, rebuilt the Ledo Road, or flew bombing missions in Manchuria or Formosa, you rose to the tremendous challenges you were handed; you never faltered. You served under the most brutal and primitive conditions and dealt with extraordinary expanses of territory. But your sweat and blood and that of your fallen comrades turned the tide and brought about a new Allied counteroffensive in Asia. The monument you dedicate today is but a small recognition of your achievement. For your unswerving dedication to the ideals Americans hold so dear, we owe you all a debt we can never repay.

I take a moment with you in remembrance of your brothers who can no longer answer roll call. God bless you, and God bless America.

RONALD REAGAN.

Mr. NICKLES. Mr. President, I urge my colleagues who have not yet joined us as cosponsors on this resolution to join with us to indicate our respect for and thanks to this special group of World War II veterans.●

● Mr. BOREN. Mr. President, I am proud to join my colleague from Oklahoma in today introducing legislation recognizing the China-Burma-India Veterans of World War II. Extensive battle campaigns resulted from these brave Americans' efforts to stop the Japanese invasion by supplying China with military supplies after the fall of Burma in 1942.

Although more than 40 years have passed since the end of World War II, the spirit of the brave men and women lives on. It is an honor for me to participate in this effort acknowledging their heroic bravery and sense of common purpose.

I urge my Senate colleagues to support enactment of this resolution, and in so doing support the memory of the China-Burma-India Veterans.●

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. HATCH, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 51, a bill to prohibit smoking in public conveyances.

S. 407

At the request of Mr. GARN, the names of the Senator from Texas [Mr. BENTSEN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 407, a bill to grant a Federal charter to the Challenger Center, and for other purposes.

S. 430

At the request of Mr. METZENBAUM, the names of the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Connecticut [Mr. WEICKER], the Senator from New York [Mr. MOYNIHAN], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 430, a bill to amend the Sherman Act regarding retail competition.

S. 533

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 552

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 552, a bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government and for other purposes.

S. 628

At the request of Mr. GRASSLEY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 628, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 714

At the request of Mr. SPECTER, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 769

At the request of Mr. JOHNSTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 769, a bill to amend the Public Health Service Act to authorize assistance for centers for minority medical education, minority pharmacy education, minority veterinary medicine education, and minority dentistry education.

S. 816

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 816, a bill to amend title 49, United States Code, relating to the construction, acquisition, or operation of rail carriers, and for other purposes.

S. 840

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 912

At the request of Mr. EXON, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 912, a bill to amend the Rural Electrification Act of 1936 to permit the prepayment of Federal financing bank loans made to rural electrification and telephone systems, and for other purposes.

S. 943

At the request of Mr. ADAMS, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Florida [Mr. CHILES] were added as cosponsors of S. 943, a bill to amend the Federal Aviation Act of 1958 to ensure the fair treatment of airline employees in airline mergers and similar transactions.

S. 998

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 999

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 999, a bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and program.

S. 1002

At the request of Mr. CRANSTON, the names of the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. BURDICK], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1002, a bill to amend title 38, United States Code, to provide disability and death benefits to veterans (and survivors of such veterans) exposed to ionizing radiation during the detonation of a nuclear device in connection with the U.S. nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan; and for other purposes.

S. 1044

At the request of Mr. HEINZ, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1044, a bill to provide for Medicare coverage of influenza vaccine and its administration.

S. 1131

At the request of Mr. BREAUX, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 1131, a bill to equalize the duties on canned tuna.

S. 1204

At the request of Mr. HATCH, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming, [Mr. SIMPSON], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1204, a bill to amend section 339(a) of the Public Health Service Act to provide for demonstration grants relating to home health services.

S. 1205

At the request of Mr. HATCH, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming, [Mr. SIMPSON], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1205, a bill to amend section 339 of the Public Health Service Act to extend support for training programs for individuals who provide home health services.

S. 1206

At the request of Mr. HATCH, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Indiana, [Mr. QUAYLE], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1206, a bill to amend the Public Health Service Act to establish a program for the provisions of health care services in the home for individuals who are suffering from a castastrophic or chronic illness.

S. 1217

At the request of Mr. MURKOWSKI, the name of the Senator from Utah [Mr. GARN], was added as a cosponsor of S. 1217, a bill to amend the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the North Slope of Alaska for oil and gas exploration, development, and production.

S. 1218

At the request of Mr. EXON, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1218, a bill to require that any imported food be labeled to specify the country of origin.

S. 1260

At the request of Mr. BUMPERS, the name of the Senator from California [Mr. CRANSTON] was added as cosponsor of S. 1260, a bill entitled the "Federal Land Exchange Facilitation Act of 1987."

SENATE JOINT RESOLUTION 11

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. DECONCINI] was added as cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 48

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Idaho [Mr. SYMMS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 48, a joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 72

At the request of Mr. GORE, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Oklahoma [Mr. BOREN], the Senator from Montana [Mr. BAUCUS], the Senator from Missouri [Mr. BOND], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Florida [Mr. CHILES], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week."

SENATE JOINT RESOLUTION 75

At the request of Mr. THURMOND, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 75, a joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week."

SENATE JOINT RESOLUTION 88

At the request of Mr. BRADLEY, the names of the Senator from Georgia [Mr. NUNN], the Senator from Montana [Mr. BAUCUS], the Senator from California [Mr. CRANSTON], the Senator from North Dakota [Mr. BURDICK], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from South Dakota [Mr. DASCHLE], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], the Senator from Maryland [Ms. MIKULSKI], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 88, a joint resolution to designate the period commencing November 15, 1987, and ending November 21, 1987, as "Geography Awareness Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. HATCH, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. GLENN], the Senator from New York [Mr. D'AMATO], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to designate the week beginning November 22, 1987, as "National Adoption Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Joint Resolution 98, a joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week."

SENATE JOINT RESOLUTION 109

At the request of Mr. DURENBERGER, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Idaho [Mr. MCCLURE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], and the Senator from Michigan [Mr.

RIEGLE] were added as cosponsors of Senate Joint Resolution 109, a joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week."

SENATE JOINT RESOLUTION 110

At the request of Mr. LEAHY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. STAFFORD], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. KARNES], the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. NUNN], the Senator from North Carolina [Mr. SANFORD], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. LEVIN], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 110, a joint resolution to designate October 16, 1987, as "World Food Day."

SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate each of the months of November, 1987, and November, 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 122

At the request of Mr. METZENBAUM, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. DANFORTH], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maine [Mr. MITCHELL], the Senator from Nevada [Mr. REID], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 125

At the request of Mr. ROTH, the names of the Senator from Nebraska [Mr. KARNES], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Idaho [Mr. MCCLURE], the Senator from Oklahoma [Mr. BOREN], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 125, a joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week."

SENATE JOINT RESOLUTION 136

At the request of Mr. HUMPHREY, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 136, a joint resolution to designate the week of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week."

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. MOYNIHAN, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. SANFORD], the Senator from California [Mr. WILSON], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Florida [Mr. CHILES], were added as cosponsors of Senate Concurrent Resolution 59, a concurrent resolution to express the sense of the Congress that the Harlem Hospital Center be recognized for 100 years of community service.

SENATE RESOLUTION 217

At the request of Mr. WILSON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 217, a resolution regarding Soviet participation in a Middle East Peace Conference.

AMENDMENT NO. 160

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of amendment No. 160 intended to be proposed to S. 999, a bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and program.

AMENDMENT NO. 218

At the request of Mr. MATSUNAGA, his name was added as a cosponsor of amendment No. 218 proposed to H.R. 1827, a bill making supplementary appropriations for the fiscal year ending September 30, 1987, and for other purposes.

SENATE RESOLUTION 223—RELATING TO THE PURCHASE OF CALENDARS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 223

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $70,720 for the purchase of one hundred and four thousand 1988 "We The People" historical calendars. The calendars shall be distributed as prescribed by the committee.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1987

GRASSLEY (AND OTHERS) AMENDMENT NO. 230

Mr. GRASSLEY (for himself, Mr. DOLE, Mr. DURENBERGER, Mr. EXON, Mr. KARNES, Mr. PRESSLER, Mr. DIXON, and Mr. SIMON) proposed an amendment to the bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes; as follows:

On page 80, line 7, strike out "$6,653,189,000" and insert in lieu thereof "$9,423,189,000".

On page 80, after line 25, insert the following new section:

EMERGENCY COMPENSATION FOR 1986 CROP OF FEED GRAINS

Section 105C(c)(1)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1444e(c)(1)(D)(ii)) is amended by striking out "the marketing year for such crop" and inserting in lieu thereof "(I) in the case of the 1986 crop of feed grains (other than oats), the first 5 months of the marketing year, and (II) in the case of the 1986 crop of oats and each of the 1987 through 1990 crops of feed grains, the marketing year".

CRANSTON (AND OTHERS) AMENDMENT NO. 231

Mr. CRANSTON (for himself, Mr. D'AMATO, Mr. MOYNIHAN, Mr. MITCHELL, and Mr. DODD) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 161, between lines 14 and 15, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

(a) TRANSITIONAL HOUSING DEMONSTRATION PROGRAM.—For an additional amount for the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, $60,000,000.

(b) EMERGENCY SHELTER GRANTS PROGRAM.—For an additional amount for the emergency shelter grants program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, $80,000,000.

(c) SECTION 8 EXISTING HOUSING.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is increased by $50,000,000 to be used only to assist homeless families with children.

(d) SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under 8(e)(2) of such Act is increased by $35,000,000 to be used only to assist homeless individuals.

VETERANS' ADMINISTRATION

VETERANS' DOMICILIARY CARE AND CARE FOR VETERANS WITH CHRONIC MENTAL ILLNESS DISABILITIES

(Transfer of Funds)

For an additional amount for "Medical Care", $20,000,000, to remain available through September 30, 1988, of which $10,000,000 shall be available for converting to domiciliary-care beds underutilized space located in facilities (in urban areas in which there are significant numbers of homeless veterans) under the jurisdiction of the Administrator of Veterans' Affairs and for furnishing domiciliary care in such beds to eligible veterans, primarily homeless veterans, who are in need of such care, and of which $10,000,000 shall be available, notwithstanding section 2(c) of Public Law 100-6, for furnishing care under section 620C of title 38, United States Code, to homeless veterans who have a chronic mental illness disability: *Provided,* That not more than $500,000 of the amount available in connection with furnishing care under such section 620C shall be used for the purpose of monitoring the furnishing of such care and, in furtherance of such purpose, to maintain an additional 10 full-time-employee equivalents; *Provided further,* That nothing in this paragraph shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration; and amounts appropriated in other paragraphs of this title are hereby reduced by a total amount of $20,000,000 by pro rata reductions.

PROXMIRE (AND OTHERS) AMENDMENT NO. 232

Mr. PROXMIRE (for himself, Mr. GARN, and Mr. CRANSTON) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 50, after line 20, insert the following:

LOAN GUARANTY REVOLVING FUND

For expenses necessary to carry out Loan Guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), $100,000,000, to remain avalable until expended.

BYRD AMENDMENT NO. 233

Mr. BYRD proposed an amendment to the bill H.R. 1827, supra; as follows:

Delete lines 16 through 23 on page 52 and insert in lieu thereof the following:

ADMINISTRATIVE PROVISION

DIXON (AND OTHERS) AMENDMENT NO. 234

Mr. DIXON (for himself, Mr. INOUYE, Mr. KASTEN, and Mr. DECONCINI) proposed an amendment to the bill H.R. 1827, supra; as follows:

At the end of the bill, add the following:

It is the sense of the Senate that no funds provided under this act may be used for the payment of severance pay to any employee of the International Bank for Reconstruction and Development (World Bank).

KENNEDY (AND OTHERS) AMENDMENT NO. 235

Mr. CRANSTON (for Mr. KENNEDY, for himself, Mr. CRANSTON, Mr. ADAMS, Mr. BURDICK, Mr. CONRAD, Mr. DODD, Mr. GORE, Mr. HATCH, Mr. MOYNIHAN, Mr. RIEGLE, Mr. SANFORD, Mr. SIMON, Mr. WILSON, and Mr. WIRTH) proposed an amendment to the bill H.R. 1827, supra; as follows:

At the end of the bill, add the following new section:

SEC. . (a) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control for "Disease control, research, and training, $27,000,000.

(b)(1) In the cases of all appropriations accounts from which expenses for travel, transportation, and subsistence (including per diem allowances) are paid under chapter 57 of title 5, United States Code, there are hereby prohibited to be obligated under such accounts in fiscal year 1987 a uniform percentage of such amounts, as determined by the President in accordance with the provisions of paragraph (2), as, but for this subsection, would—

(A) be available for obligation in such accounts as of June 1, 1987,

(B) be planned to be obligated for such expenses after such date during fiscal year 1987, and

(C) result in total outlays of $18 million in fiscal year 1987.

(2) Before making determinations under paragraph (1), the President shall obtain from the Director of the Office of Management and Budget and the Comptroller General of the United States recommendations for determinations with respect to (A) the identification of the accounts affected, (B) the amount in each such account available as of such date for obligation, (C) the amounts planned to be obligated for such expenses after such date in fiscal year 1987, and (D) the uniform percentage by which such amounts need to be reduced in order to comply with paragraph (1).

(c) Within 30 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report specifying the determinations of the President under subsection (b).

(d) Sections 1341(a) and 1517 of title 31, United States Code, apply to each account for which a determination is made by the President under subsection (b).

SYMMS (AND OTHERS) AMENDMENT NO. 236

Mr. SYMMS (for himself, Mr. MATSUNAGA, Mrs. KASSEBAUM, Mr. GRAMM, and Mr. QUAYLE) proposed an amendment to the bill H.R. 1827, supra; as follows:

Beginning on page 2, strike out line 1 and all that follows through page 168, line 12, and insert in lieu thereof the following:

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

(TRANSFER OF FUNDS)

To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $6,563,189,000, such funds to be available, together with other resources available to the Corporation, to finance the Corporation's programs and activities during fiscal year 1987: *Provided,* That of the foregoing amount not to exceed the following amounts shall be available for the following programs: export guaranteed loan claims, $300,000,000; conservation reserve program, $400,000,000; and interest payments to the United States Treasury, $400,000,000: *Provided further,* That five percent of the funds available for the conservation reserve program in this Act shall be transferred to the conservation operations account of the Soil Conservation Service for services of its technicians in carrying out the conservation programs of the Food Security Act of 1985.

HARKIN AMENDMENT NO. 237

Mr. HARKIN proposed an amendment to the bill H.R. 1827, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . The matter under the heading "Public Education System" in title I of the District of Columbia Appropriations Act, 1987 (Public Law 99-591; 100 Stat. 3341-184) is amended by striking out *"Provided further,* That of the amount made available to the University of the District of Columbia, $1,146,000 shall be used solely for the operation of the Antioch School of Law: *Provided further,* That acquisition or merger of the Antioch School of Law shall have been previously approved by both the Board of Trustees of the University of the District of Columbia and the Council of the District of Columbia, and that the Council shall have issued its approval by resolution: *Provided further,* That if the Council of the District of Columbia or the Board of Trustees of the University of the District of Columbia fails to approve the acquisition or merger of the Antioch School of Law, the $1,146,000 shall be used solely for the repayment of the general fund deficit." and inserting in lieu thereof *"Provided further,* That $1,146,000 shall be used solely for the operation of the District of Columbia School of Law and which shall remain available until expended: *Provided further,* That acquisition or merger of the Antioch School of Law shall have been previously approved by the Council of the District of Columbia: *Provided further,* That the interim Board of Governors of the District of Columbia School of Law shall report, by October 1, 1987 to the Mayor of the District of Columbia, the Council of the District of Columbia, and the Appropriations Committees of the Senate and House of Representatives on the anticipated operating and capital expenses of the District of Columbia School of Law as created by D.C. Law 6-177, for the next five years: *Provided further,* That the aforementioned report shall also include a statement from the American Bar Association on the current status of the an accreditation proposal for the District of Columbia School of Law, as created by D.C. Law 6-177, as amended: *Provided further,* That if the Council of the District of Columbia fails to approve the acquisition or merger of the Antioch School of Law, the $1,146,000 shall be used solely for the repayment of the general fund deficit.".

DOMENICI (AND OTHERS) AMENDMENT NO. 238

Mr. DOMENICI (for himself, Mr. CRANSTON, Mr. MURKOWSKI, and Mr. D'AMATO) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 161, between lines 14 and 15, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

(a) Transitional and Supportive Housing Demonstration Program.—For an additional amount for the transitional and supportive housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, and other applicable authority $80,000,000 to remain available until expended.

(b) Section 8 Existing Housing.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is increased by $50,000,000 to be used only to assist homeless families with children.

(c) Section 8 Assistance for Single Room Occupany Dwellings.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is increased by $40,000,000 to be used only to assist homeless individuals.

VETERANS' ADMINISTRATION

VETERANS' DOMICILIARY CARE AND CARE FOR VETERANS WITH CHRONIC MENTAL ILLNESS DISABILITIES

(TRANSFER OF FUNDS)

For an additional amount for "Medical Care", $20,000,000, to remain available through September 30, 1988, of which $10,000,000 shall be available for converting to domiciliary-care beds underutilized space located in facilities (in urban areas in which there are significant numbers of homeless veterans) under the jurisdiction of the Administrator of Veterans' Affairs and for furnishing domiciliary care in such beds to eligible veterans, primarily homeless veterans, who are in need of such care, and of which $10,000,000 shall be available, notwithstanding section 2(c) of Public Law 100-6, for furnishing care under section 620C of title 38, United States Code, to homeless veterans who have a chronic mental illness disability: *Provided*, That not more than $500,000 of the amount available in connection with furnishing care under such section 620C shall be used for the purpose of monitoring the furnishing of such care and, in furtherance of such purpose, to maintain an additional 10 full-time-employee equivalents: *Provided further*, That nothing in this paragraph shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(DEFERRAL)

The sum of $27,500,000 appropriated pursuant to Public Law 99-500 and Public Law 99-591 for commercialization of the land remote sensing satellite system is hereby deferred for the remainder of fiscal year 1987, and shall remain available until expended.

JOHNSTON AMENDMENT NO. 239

Mr. JOHNSTON proposed an amendment to the bill H.R. 1827, supra; as follows:

On Page 23, after line 6, add the following:

SEC. —. Section 5314 of title 5, United States Code; is amended by adding at the end the following: "Comptroller of the Department of Defense."

DOMENICI (AND OTHERS) AMENDMENT NO. 240

Mr. DOMENICI (for himself, Mr. COCHRAN, and Mr. STENNIS) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 82, strike lines 17 through 22, and insert the following:

"Notwithstanding the amount authorized to be prepaid under section 306A(d)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 936a(d)(1), a borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of such Act (7 U.S.C. 936) that serves 6 or fewer customers per mile may, at the option of the borrower, prepay such loan (or any loan advance thereunder) during fiscal years 1987 or 1988, in accordance with section 306A of such Act."

INOUYE (AND MATSUNAGA) AMENDMENT NO. 241

Mr. JOHNSTON (for Mr. INOUYE, for himself and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 35 after line 2 insert the following:

"DEPARTMENT OF ENERGY

"ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

"Of the amounts heretofore appropriated and made available for Energy Supply, Research and Development Activities, $1,200,000 shall be for completion of the MOD-5-B Wind Turbine Project."

HELMS AMENDMENT NO. 242

Mr. HATFIELD (for Mr. HELMS) proposed an amendment to the bill H.R. 1827, supra; as follows:

At the end of the bill add the following new section:

"SEC. . None of the funds appropriated by this Act for Southern Africa shall be obligated or expended until the President has reported to the House Foreign Affairs Committee, the Senate Foreign Relations Committee and the Committees on Appropriations an itemized accounting of all expenditures of funds authorized by the Foreign Assistance Act of 1986 (P.L. 99-83) for Southern Africa and by P.L. 99-440 and, pursuant to such authorizations, subsequently appropriated.".

WEICKER AMENDMENT NO. 243

Mr. HATFIELD (for Mr. WEICKER) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 64 of the bill, after line 22, insert:

"REHABILITATION SERVICES AND HANDICAPPED RESEARCH

"Of the funds appropriated for Rehabilitation Services and Handicapped Research for fiscal year 1987, $15,860,000 is available for Special Demonstration Programs under Section 311(a)(b)(c)."

D'AMATO AMENDMENT NO. 244

Mr. D'AMATO proposed an amendment to the bill H.R. 1827, supra; as follows:

At the appropriate place insert the following:

(1) Waivers of expedited procedures under the requirements of 46 U.S.C. 12101 et seq. for the re-registration of ships to United States registry from ships originally belonging to non-belligerent nations of the Persian Gulf Region, or of other nations seeking safe passage through the Persian Gulf, shall not be granted except to the extent that (A) an equal number of such ships are re-registered under the flags of our NATO allies and Japan within a 60 day period in which such waiver is sought, or (B) an equivalent guarantee of maritime security is made by our NATO allies and Japan.

(2) Any waiver, or relaxation of registration requirements pursuant to 46 C.F.R. Chapter 1, Chapter 6.01 shall expire within 30 days unless the President makes a full report to the Congress in writing detailing the particular national defense interest in the exemptions and the facts justifying their continuance.

HATFIELD AMENDMENT NO. 245

Mr. HATFIELD proposed an amendment to the bill H.R. 1827, supra; as follows:

At the appropriate place, add the following new section:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated for fiscal year 1987 shall be used for the purpose of granting any patent for vertebrate or invertebrate animals, modified, altered, or in any way changed through engineering technology, including genetic engineering.

JOHNSTON AND OTHERS AMENDMENT NO. 246

Mr. JOHNSTON (for himself, Mr. DIXON, Mr. PROXMIRE, Mr. RIEGLE, Mr. LEVIN, Mr. SIMON, Mr. BOSCHWITZ, Mr. QUAYLE, Mr. LUGAR, Mr. DURENBERGER, and Mr. GLENN) proposed an amendment, which was subsequently modified, to the bill H.R. 1827, supra; as follows:

It is the sense of the Senate that the Commodity Credit Corporation in implementing regulations to establish the percentage share or metric tonnage of commodities under subparagraph (B) of section 901b(c)(2) of the Merchant Marine Act, 1936 (46 U.S.C. 1241f(c)(2)(B)) should respect the intent as well as the letter of the agreement entered into by and between the representatives of Great Lakes ports and Gulf ports, and that, so far as practicable, Great Lakes ports be accorded the full proportion of tonnage contemplated thereby.

DOLE AMENDMENT NO. 247

Mr. DOLE proposed an amendment to the bill H.R. 1827, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . (a)(1) Subtitle C of title XVII of the Food Security Act of 1985 (7 U.S.C. 5001 et seq.) is amended—

(A) by striking out "National Agricultural Policy Commission Act of 1985" each place it appears in the subtitle heading and section 1721 (7 U.S.C. 5001) and inserting in lieu thereof "National Commission on Agriculture and Rural Development Policy Act of 1985"; and

(B) by striking out "National Commission on Agricultural Policy" each place it appears in sections 1722(1) and 1723(a) (7 U.S.C. 5001(1) and 5002(a)) and inserting in lieu thereof "National Commission on Agriculture and Rural Development Policy".

(2) Section 1727 of such Act (7 U.S.C. 5006) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Agriculture shall provide funding for the Commission by selling a sufficient quantity of commodities owned by the Commodity Credit Corporation to enable the Commission to carry out this subtitle.".

(b) Section 505 of the Farm Credit Amendments Act of 1985 (12 U.S.C. 2001 note) is amended by adding at the end thereof the following new subsection:

"(f) The Secretary of Agriculture shall provide funding for the National Commission on Agricultural Finance by selling a sufficient quantity of commodities owned by the Commodity Credit Corporation to enable the Commission to carry out this section.".

HELMS AMENDMENT NO. 248

Mr. HELMS proposed an amendment to the bill H.R. 1827, supra; as follows:

At an appropriate place in the bill, insert the following:

"None of the funds appropriated by this Act for the emergency provision of drugs determined to prolong the life of individuals with Acquired Immune Deficiency Syndrome shall be obligated or expended after June 30, 1987, if on that date the President has not, pursuant to his existing power under section 212(a)(6) of the Immigration and Nationality Act, added human immunodeficiency virus infection to the list of dangerous contagious diseases contained in Title 42 of the Code of Federal Regulations.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place Tuesday, June 30, 1987, 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on two measures currently pending before the subcommittee:

S. 59, a bill entitled the "National Forests and Public Lands of Nevada Enhancement Act of 1987"; and

S. 854, a bill entitled the "Nevada-Florida Land Exchange Authorization Act of 1987."

Those wishing information about testifying at the hearing or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Beth Norcross at 224-7933.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place Tuesday, June 23, 1987, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on two measures currently pending before the subcommittee. The measures are:

S. 693, a bill to designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes; and

S. 695, a bill to designate certain lands in the Great Smoky Mountains National Park as wilderness, and for other purposes.

Those wishing information about testifying at the hearing or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Beth Norcross at 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on May 28, 1987, to hold a markup on S. 548, Retiree Benefits Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration, be authorized to meet in SR-301, Russell Office Building, on Thursday, May 28, 1987, at 4:30 p.m. to consider the request of the Committee on Agriculture, Nutrition, and Forestry for supplemental funding for 1987, and to receive testimony from the Architect of the Capitol on the alternatives to the proposal to replace the Senate subway system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to meet during the session of the Senate on May 28, 1987 to hold a hearing on the nomination of Charles R. Rule to be assistant attorney general of the Antitrust Division of the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 28, 1987, to mark up S. 661, the Medicare and Medicaid Patient and Program Protection Act of 1987, and S. 1127, the Medicare Catastrophic Loss Prevention Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 28, 1987, at 2 p.m. to hold oversight hearings on the Federal Aviation Administration's (FAA) air traffic control system.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 28, 1987, to hold oversight hearings on the National Science Foundation and its role in assisting U.S. industrial competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 28, 1987, to hold a hearing on ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 28, 1987, at 2 p.m. to hold a hearing on ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 28, 1987, at 2:45 p.m. to hold a hearing on ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PROPOSED ARMS SALES

● Mr. PELL. Mr. President, section 36(b)(1) of the Arms Export Control Act requires that Congress receive formal notification of proposed arms sales under the act in excess of $50 million, or in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, May 26, 1987.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 87-21, concerning the Department of the Army's proposed Letter(s) of Offer to Pakistan for defense articles and services estimated to cost $44 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

[Transmittal No. 87-21]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Pakistan.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$40
Other	4
Total	44

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Sixty M198 155mm Towed Howitzers and support materiel.

(iv) Military department: Army (VHF).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 Dec 86.

(viii) Date report delivered to Congress: May 26, 1987.

POLICY JUSTIFICATION

Pakistan—M198 155mm Howitzers

The Government of Pakistan has requested the purchase of sixty M198 155mm Towed Howitzers and support materiel. The estimated cost is $44 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability in Southwest Asia.

The Government of Pakistan needs these howitzers to pursue its overall force modernization plan and to improve its basic defense capability. Pakistan will have no difficulty absorbing these howitzers into its armed forces because it already has these weapons in its inventory.

The sale of this equipment and support will not affect the basic military balance in the region.

The howitzers will be manufactured at the Rock Island Arsenal, Rock Island, Illinois.

Implementation of this sale will require the assignment of ten additional U.S. Government personnel to Pakistan for three weeks.

There will be no adverse impact on U.S. defense readiness as result of this sale.●

PUBLIC DIPLOMACY: A NEW DIMENSION OF INTERNATIONAL RELATIONS

● Mr. ARMSTRONG. Mr. President, today's international concerns compel us to look for new and innovative ways to promote our commitment to freedom of expression and the free flow of ideas across international borders. This is not simply a philosophical commitment: Our freedom, economic stability, and national security depend on it.

It is not just rhetoric to talk about the metamorphosis taking place in international affairs called public diplomacy where Government leaders speak directly to people around the globe. Glasnost should serve as a vivid illustration of just how important public diplomacy has become in recent years, and will continue to grow as a way all nations will conduct foreign affairs.

It seems only logical, then, that the United States make full use of available technology and the instantaneous nature of communications, making diplomacy a priority in international affairs.

The U.S. Information Agency's [USIA] live global satellite network—Worldnet—is only the latest addition to our tools of public diplomacy, but it has already become one of our most successful ventures. Former USIA Director Frank Shakespeare stated about Worldnet:

In television, the establishment of USIA's satellite network—Worldnet—is probably the single most comprehensive change that has been made on worldwide basis by our government in 35 years.

I commend USIA for Worldnet and its other public information programs and recommend the attached reading to your attention. It is my belief that the advent of advanced satellite communications will prove its worth as a valuable new method in presenting and exchanging views on critical and timely international issues.

I urge my colleagues to read the following article that appeared in TV Guide on Worldnet's tremendous success.

The article follows:

WORLDNET FIRES AWAY IN THE STAR WARS OF IDEAS

(By Neil Hickey)

In the battle for the hearts and minds of the world's people, the USIA's TV network transmits news about America to more than 100 cities in 79 countries.

"Through television, Washington's ideologists break into other people's homes without knocking and fish for the naive and gullible in the muddy torrent of disinformation relayed via its Worldnet. . . . " So spoke Radio Moscow one day last August. In October, Fidel Castro complained on Radio Havana that Worldnet is a "means of ideological and cultural penetration to sell the decadent Yankee way of life in our impoverished nations."

What the folks in Moscow and Havana were exercised about was the United States Information Agency's new, live, daily broadcasts to Europe and Latin America—part of a worldwide schedule of TV programs that go to more than 100 cities in 79 countries—which may be the most phenomenal and ambitious undertaking in the history of television. Passers-by on D Street outside Worldnet's studios in Washington, DC., can look up at a sign that proclaims: "The First Live Global Satellite Television Network." One day soon it will allow the U.S. Government to reach out and touch someone with a TV program almost anywhere in the world.

Unlike commercial TV networks, whose job is to deliver audiences to advertisers, the USIA's TV network delivers ideas about America—its culture, mores and foreign policies—to the rest of the world. Two weeks ago, the agency premiered a kind of transnational Today show—breakfast television beamed to Western and Eastern Europe, Greece, Turkey and parts of North Africa. The show goes out five days a week, from 1 to 3 A.M. (Washington time), and is seen abroad between 6 and 9 A.M.

But that's only the newest tendril of the USIA's electronic Virginia creeper. Just two years ago, in April 1985, the agency began a two-hour regular daily schedule (now four hours, with the breakfast show) of live and pre-taped news, features, interviews, documentaries and sports aimed (mostly) at the continent of Europe. Then, last October, it started a one-our daily broadcast to Latin America. And by 1990, it hopes to have full-fledged daily schedules for the Middle East, the Far East and the whole African continent.

But as far back as November 1983, the USIA was beaming occasional, ad hoc programming—including live, two-way press

conferences—to various points on the globe, sometimes in response to specific foreign-policy crises. The first of those crises was the U.S. invasion of Grenada on Oct. 25, 1983, which drew heavy criticism from U.S. allies in Europe. Charles Z. Wick, the USIA's director, had the idea of staging a satellite news conference featuring then U.S. ambassador to the United Nations Jeane Kirkpatrick (in New York), along with two State Department officials in Washington, D.C., and in Barbados the prime ministers of Saint Lucia and Barbados. Those five were interviewed by reporters who'd been invited to the U.S. embassies in Bonn, London, The Hague, Rome and Brussels. That two-hour exchange made headlines worldwide, and excerpts from it appeared on TV-news programs all over Europe. The experiment was counted a roaring success. Worldnet thus was born and has grown from a sometime thing to the burgeoning, quotidian globe-girdler it is today.

The multipoint live press conference format has been repeated more than 350 times since 1983 as a regular feature of Worldnet's program schedule. When the U.S. bombed Libya in April 1986, for example, Secretary of Defense Caspar Weinberger, Secretary of State George Shultz, and others took to the airwaves to explain the action. Assistant Secretary of State Elliott Abrams has appeared several times to defend U.S. policy in Central America; such other assorted heavy hitters as former national security adviser Robert C. McFarlane and even former Chief Justice Warren Burger have submitted to long-distance questioning by foreign reporters.

Worldnet is now considered by many "the jewel in the crown" of the Reagan Administration's vigorous effort to combat Soviet "disinformation" techniques, and to win friends and influence people to think kindly about U.S. policies and life styles. In an era of drastic cost-cutting by the Government, the USIA's budget has increased more than 80 per cent during the Reagan years from $458 million to $837 million, and television is giving the far-flung agency (206 posts in 127 countries) a bully pulpit unimagined when the USIA came into being in 1953.

Indeed, the appetite for American programs of almost any sort is enormous around the world. The USIA's output is distributed by cable systems, master antennas in hotels, is rebroadcast in a few areas by local over-the-air stations, and is picked up by satellite dishes in private hands. TV-set owners in many parts of the world are either buying or building (from scrap materials) their own dishes to get direct reception of USIA programs from the satellites. Plaintive letters arrive from Soviet bloc countries asking for detailed instructions on how to build the dishes: "I need very specific information—exact measurements, schematics and materials used—because I must build the antenna myself from scratch," said one letter from Eastern Europe. "Could I put the antenna on the ground under bushes . . .?" Wrote another: "We must keep [the antennas] in proper working order without the authorities' knowledge."

Two years ago, the USIA began a series of non-ideological, televised exchanges between prominent U.S. physicians (among them, heart surgeon Dr. Michael DeBakey) and their counterparts abroad in the Middle East, Eastern Europe, the Soviet Union and India. The two-hour teleconference to Moscow in December 1985, linking American and Soviet cardiologists, was thought to be a historic undertaking in U.S.-Soviet relations.

Yet another largely nonpolitical activity is the USIA's worldwide trafficking in videotapes. In April 1983, Charles Wick was visiting Amman, Jordan, with Alvin Snyder, a former TV news producer who runs the USIA's television department, when they noticed a long line of people outside a shop, which they assumed at first was a food store. It turned out to be a video store, one of hundreds in the city. Wick decided on the spot that the USIA should get into videotape distribution. More than four years later, half of all USIA posts in the world offer videotapes free of rental charges to all comers, and the number of those posts is growing. Demand for the tapes has been phenomenally high, from Malaysia to Uganda, from Hong Kong to Turkey—feature films such as "Witness," "A Passage to India," Ragtime," "Guess Who's Coming to Dinner", entire TV series such as Roots and The Constitution: That Delicate Balance, programs on the arts, medicine, science, travel, history, sports, agriculture how-to and self-help. The tapes have increased usage of one USIA library abroad by 50 percent; in Kuala Lumpur, the average videotape is borrowed nine times more often than the average book.

"Public diplomacy" is what this Administration calls such government-to-people strategies aimed at getting foreigners to like and understand us and our foreign policies. Wick is convinced of the importance of transmitting quantities of information to the world, especially to countries where information is tightly controlled. "Just as radio was a further step in imparting knowledge, beyond the printing press," he says, "television, with sight and sound, will be the greatest peace guarantor in the history of the world."

Rep. Dan Mica (D-Fla.), chairman of the House Foreign Affairs Subcommittee on International Operations, which oversees the USIA's activities, calls World-net "the superstation that America will never see." (The law forbids domestic airing of the programs except by special dispensation of Congress.) It's a service that has "untapped and unlimited potential," he says, but at the same time it needs to be monitored closely by Congress to assure that narrow political and partisan views of any particular Administration are not conveyed to the world to the exclusion of the broader consensus views of the Congress. "That concern is ever-present in the Congress," Mica says. "We want to be sure that there is a true balance and not just tokenism—that they don't throw in just enough opposition spokesmen to say they had a balanced presentation when in fact they did not." The agency claims that it is, in fact, scrupulous about conveying opposing views. After the revelations of the Iran arms sale controversy, for example, the USIA aired a half-hour version of the Tower Commission's press conference to Latin America, and a report of the conference also appeared as a news item in the European broadcasts.

In future years, when the USIA's global TV network is fully in place and can reach into the planet's dark corners, it could constitute the most powerful instrument of propaganda ever owned by any nation in the history of the world. Isn't there a chance for mischief there by some strong-willed President intent on promoting (what might be) dangerous and erratic policies? "Congress is willing to take that risk," says Representative Mica, "because there is a message" about America—its culture and broad aims—"that needs to be conveyed to the rest of the world." And the most effective medium for that task is television.

At the root of the USIA's growing capacity and desire to circle the globe with TV programs is the understanding—shared by the Soviets—that the world has entered a new phase of ideological confrontation, a kind of Star Wars of ideas in which the superpowers contend, daily and energetically, for the hearts and minds of ordinary people.

The game is afoot—or perhaps aloft, borne by satellites 22,300 miles over the equator. The planet's future may depend, to a large degree, on who plays that game most skillfully.●

FARMLAND SALES INCREASING

● Mr. BOSCHWITZ. Mr. President, I would like to bring to the attention of my colleagues, an article printed Friday, May 1, 1987, in the New York Times, entitled "Foreclosed Farms Being Sold as Land Values Start to Rise." The article points out that agricultural lenders are beginning to sell acreage acquired during the past few years. Some farmers are beginning to feel that the land market has bottomed and have started buying. This action reflects new optimism in the national depressed farm economy. The farmland value decline appears to have ended. Mark Drabenstott, research officer and economist at the Federal Reserve Bank of Kansas City, MO, bases the optimism on the attitude of the worst being over rather than on a really strong economic picture.

A recent survey of banks and other lenders in Minnesota, Iowa, and the Dakotas showed similar attitudes. The vast majority say prices have bottomed out.

Farmers have purchased two-thirds of the lender-owned land, while outside investors have acquired remaining acreages at prices that are 50 percent of the 1981 peak value. Fifty percent of the purchasing farmers are paying cash for the land according to Leslie Horsager, vice president of the Prudential Insurance Co. According to lenders, no significant sales of farmland has accrued to foreign investors. Land sales have increased since farmers and investors feel they can profitably invest money. The Farm Credit System estimates they sell 6 percent of their inventory of farmland monthly, using conventional terms with an annual sales price of 102 percent of the appraised value. Many of these farmers are not expanding their operation, but are renting the land to younger farmers and to former landowners.

The Farm Credit System is selling land at a rate two to three times what was sold a year ago. The Farmers Home Administration, the lender of last resort, has sold 209 of the 5,000 farms acquired ending their self-im-

posed sales moratorium. Also, private industry has slowly been moving land.

While trouble still persists for many farmers, the article points out that the farmland values may be at the bottom of the market.

The article follows:

FORECLOSED FARMS BEING SOLD AS LAND VALUES START TO RISE

(By William Robbins)

OSAWATOMIE, KS.—The country's major agricultural lenders are beginning to sell much of the vast acreage they have been taking over from troubled farmers for the last few years.

"I've always been told that when the farmer starts buying you will have seen the bottom of the market," said Rick Attig, a farm manager in northwestern Iowa. "Well, the farmers have started buying."

The purchasers by farmers as well as investors reflect a new optimism about the national farm economy, which has been in recession for much of this decade. The long slide in farmland values, which are the principal basis for agricutural credit, appears to be ending; indeed, in some areas, particularly in Illinois and Iowa, farmland values are rising.

ECONOMISTS ARE ENCOURAGED

Many economists, while noting that trouble spots remain, find this and other aspects of the agricultural picture more encouraging than any they have seen in recent years.

Farming costs, including interest rates, have declined from the peaks that helped bring on the agricultural recession, although interest rates are now incling up again. The total national farm debt has fallen about 12 percent over the last two years, from $198.7 billion to $174 billion. And farm income this year is expected to total $31 billion to $33 billion, up from $29 billion last year.

"I think we are seeing a turaround in farm psychology," said Mark Drabenstott, research officer and economist at the Federal Reserve Bank of Kansas City, Mo., "It is based on the worst being over rather than on a really strong economic picture, but people are positioning themselves for the future."

THE LAND IS COMING BACK

Harry Milne, a 70-year-old farmer here in southeastern Kansas who has built a reputation for astute land dealings, went out the other day and bought a farm he had been watching for two years, waiting for the right price. "I believe the land is coming back," he said. "I don't think land is going to get any lower, and I think you're going to see a steady rise for the next 20 years."

Prices being paid are often less than 50 percent of the peak they reached in 1981, but they vary widely from region to region and from one type of farmland to another. Mr. Milne, for example, recently paid $250 an acre for some pasture but was subsequently outbid by an outside investor when he sought to buy similar land nearby for a comparable price.

Good cropland in Missouri is now selling for about $550 an acre, lenders there say, while some recent sales of some of the best land in Illinois have been reported recently at prices as high as $2,000 an acre. Up in his area of Iowa, according to Mr. Attig, good land is going for $1,100 to $1,300 an acre.

BUYERS ARE MOSTLY FARMERS

Here in southeastern Kansas, the average price for cropland is $400 to $500 an acre, "and that's up about 20 to 25 percent," said Gary Hosack, a realty executive in nearby Paola.

The current situation follows a boom and-bust decade, with exuberant investment in land and equipment by farmers in the late 1970's. Many wound up heavily in debt in the 1980's, often losing to their lenders the land they had put up as collateral for their expansion. The principal farm lenders, usually with considerable reluctance, thus accumulated about 5.5 million acres. This is about one-half of 1 percent of the country's billion acres of farmland.

Many farmers remain heavily in debt. "It's going to be a very difficult year for those still facing those heavy debts," Mr. Drabenstott.

"But, viewed as a whole," he said, "farming is going to have an excellent year. Livestock will produce very strong profits, and grains producers will get very strong returns from Government programs." The grain producers depend on Government subsidies for about half their gross income, and livestock producers are getting higher prices while paying less for feed.

FEARS FOR MARKET EASED

Land values in Mr. Drabenstott's district, which includes much of the grain-producing Middle West, continued to fall in the last quarter of 1986 but now appear to be steadying, he said. "The anecdotal evidence I am getting," he said, "is that quite a bit of land is changing hands at prices that are firm."

The speed-up in land sales appears to have happened largely because prices have fallen to a level where farmers and investors could buy tracts and make money. The evidence of demand for the land appears to have bolstered prices and eased fears among farmers and lenders that wide-scale selling by the lenders might further depress land values.

"Six months ago the big inventory was depressing the market," said Mr. Drabenstott. Now, he said, with signs of increased buying, people are looking at the land that is available "more as an opportunity."

The biggest inventory of troubled farmland has been accumulated by the Federal Farm Credit System, a giant organization of cooperative lending units that itself has fallen on hard times. The system has acquired about 2.2 million acres, now valued at about $1 billion, according to Hugh Macklin, president of the Farm Credit System Capital Corporation, a new branch created to help handle problem loans and landholdings.

"The land was always for sale—there just weren't many buyers," he said. "We are selling at the market and on conventional terms, and on average our farms are selling at 102 percent of appraised value."

IT VARIES FROM STATE TO STATE

Experiences differ according to types and quality of land being sold, lenders and land agents say. Despite the new ebullience of the cattle industry, values of ranchland continue to sag. As might be expected, the best land in the most productive states is most likely to show price gains.

"Things seem to be moving, but it varies from state to state," said John Lord, vice president of the John Hancock Mutual Life Insurance Company, which is an agricultural lender. "In the better areas we detect some strength. In the Mississippi Delta, we see some improvement as well as in Illinois and Iowa in the Midwest. Even in Nebraska and Kansas we are seeing some stability. The majority are not moving up, but we are not seeing any new erosion of values."

Some of the lenders seem surprised at the number and resources of the buyers who are now turning out.

More than two-thirds are local farmers, often elderly like Mr. Milne, the lenders say. "A surprising number—a little over 50 percent—are making deals for all cash," said Leslie Horsager, vice president of the Prudential Insurance Company. "They see land as an alternative to certificates of deposit."

Most of the other buyers are borrowing relatively little so as to increase the potential for return on their investment and reduce risk by keeping their debt and other costs down.

OUTSIDE INVESTORS ALSO BUYING

The lenders say that most of the local farmers who are now buying did not borrow heavily in the boom years, either. Many have seen their children move away, although some, like Mr. Milne, are expanding an estate in hopes that the children will someday be able to return to the land. However, many of them are now renting the land to younger farmers, and frequently to former owners who had been victims of the boom-and-bust cycle.

The rest of those buying from lenders are outside investors, purchasers like Clifford Wolfswinkel of Mesa, Ariz., although few operate on so large a scale. Mr. Wolfswinkel has bought dozens of farms in northwest Iowa, totaling 15,000 acres, and he plans to buy about 10,000 acres more, he said the other day.

Mr. Wolfswinkel, who is a real estate developer, rents the farms to Iowans, often to their former owners. At current land prices, he said, the rents sometimes produce a return on his investments as high as 12 percent.

The lenders say they have made no significant recent sales of cropland to foreign interests.

ACTIVITY THROUGHOUT THE SYSTEM

The lending groups vary widely in the way they have handled the land they have taken over. The Farm Credit System, the biggest of the land acquirers, is now also the biggest seller. Mr. Macklin estimates it is now selling about 6 percent of its inventory every month. "There is activity throughout the system," he said. "And where we have numbers it look like we're selling two and a half to three times what we were selling a year ago."

But he said that because of continuing long-term credit problems, many farmers were still losing their land, much of it to the Farm Credit System.

The next largest holders of foreclosed land—the Farmers Home Administration, which is the lender of last resort to distresed farmers, and life insurance companies—appear to be more conservative in their sales activity.

Farmers Home had an inventory of about 5,000 farms totaling about 1.47 million acres and worth about $833 million at the end of 1986, according to Joseph O'Neill, the agency's spokesman. From last Oct. 1, when it broke a self-imposed moratorium on farm sales, to the end of the year, Farmers Home sold a total of 209 farms, Mr. O'Neill said.

Mr. Lord of John Hancock said, "Our feeling for the past two years has been that it was not a time to be selling." Even now, he said, the company is moving slowly.

IDENTIFYING WHAT TO SELL

"We have screened our portfolio and tried to identify those properties that are diffi-

cult to manage," he said, "and we have identified some for immediate disposition."

There are no central sources of information on land acquired from distressed farmers by either the life insurers or the banks. Mr. Horsager of Prudential offers an "educated guess" that the insurers' inventories, valued at $1.5 billion, total at least 1.5 billion acres. James C. Webster, publisher of The Agricultural Credit Letter, estimates the banks' holdings at about 400,000 acres with a value of $350 million.

There are no data on sales of bank-acquired lands, according to officials of the American Bankers Association. But others say the bankers have tended to dispose of their acquisitions more quickly than any of the other lenders.●

MONITORED RETRIEVABLE STORAGE FACILITIES

● Mr. EVANS. Mr. President, today marks the 1-year anniversary of the administration's nomination of three sites for detailed site characterization as a deep geologic repository. At the same time, The Secretary of Energy announced that the second repository program mandated under the Nuclear Waste Policy Act of 1982 would be indefinitely postponed, thus declaring the Department's intent to ignore the law.

It is clear that the Department of Energy's unilateral decision to destroy the delicate balance established by the Congress when it developed the act has thrown the Nuclear Waste Program into disarray. The Department of Energy has lost the confidence of both the States and affected Indian tribes, a fact readily demonstrated by the scores of lawsuits now pending in the ninth district court of appeals challenging the May 28 decision. It is also apparent that the Department's performance has caused serious concern in Congress, with the House and Senate agreeing to make significant reductions in the Department's budget request for waste activities and the establishment of a prohibition on drilling exploratory shafts at any of the three selected sites for fiscal year 1987.

If today marks the 1-year anniversary of the breakdown of our Nuclear Waste Program, I am hopeful that it will also mark the beginning of a broad effort by States, utilities, the administration and the Congress to restore effectiveness to our Nuclear Waste Program.

I have recently introduced legislation, S. 1266, which provides an equitable and technically sound solution to the safe storage of our Nation's spent fuel and high-level radioactive waste. This bill would establish four regional monitored retrievable storage [MRS] facilities across the country to store the Nation's nuclear waste safely while it cools and much of its radioactivity decays away, making handling and disposal significantly easier and less costly. I am also aware that Congressman SID MORRISON from Washington has proposed language approved by the House Science and Technology Committee which would authorize a 2-year examination of the regional MRS option.

After my recent trip with other members of the Senate Energy and Natural Resources Committee to examine the Swedish and French nuclear waste progams, I am more convinced than ever that MRS facilities can provide safe, cost-effective storage for nuclear waste, while giving us necessary time to ensure that our final disposal option is safe, responsible and technically sound.

Mr. President, it is in the best interest of all of us to fashion a true midcourse correction for a program which has become seriously flawed, and I look forward to working with other Senators as we set about this difficult task.

Mr. President, I ask that a copy of S. 1266 be printed in the RECORD, as well as a copy of a letter I recently received from several Washington State legislators outlining their support for the MRS concept and two editorials on this subject.

The material follows:

[From the Spokesman-Review, Apr. 29, 1987]

WASTE-DISPOSAL STEPS SHOULD COME IN ORDER

Washington Sen. Daniel J. Evans, a key member of the Senate committee that oversees the U.S. Energy Department, came home from a tour of European storage facilities for nuclear wastes with the conviction that the United States is "going about it backwards."

"It" is the Energy Department's program to find a safer and more permanent resting place for spent fuel from commercial nuclear power reactors.

Currently, this hot and highly radioactive waste simmers in overcrowded "swimming pool" storage at the reactors where it is produced. As part of the deal that made nuclear power feasible, the federal government promised years ago to take responsibility for this, the most lethal and long-lived garbage mankind has produced.

But Evans points out that in its rush to met the awesome challenge before it—safe storage of nuclear wastes for 10,000 years—the Energy Department is "attempting to move to a final solution before having determined an interim one."

Indeed, the Energy Department's search for a permanent repository counts on storage technology that has not been fuly developed or tested.

And the site-selection process is in deep trouble. One of the three finalist sites, in Texas, sits atop the vast Ogallala aquifer, from which farmers in several states pump irrigation water. Another, at Hanford, sits in basalt with a tendency for stress fractures, saturated with ground water, just five miles from the Columbia River. Politics swept aside geologic concerns in the selection of the finalist sites.

This contaminated process does not inspire confidence in what would be permanent, irretrievable storage; nor has the government earned much confidence with its track record of leaks from earlier nuclear waste storage technologies that it once pronounced safe.

Concerns such as these, plus the interim-storage approach Evans found in Europe, lend support to the notion of an interim storage program in the United States which would allow time for more careful analysis of permanent storage systems plus the development of new technology.

Spent fuel loses a significant portion of its radioactivity and heat in the first few decades; thus, retrievable storage of nuclear wastes for 30 or 40 years would reduce the challenges facing a permanent repository.

Furthermore, the spent fuel does contain potentially valuable elements and energy, and while reprocessing has failed to work well with existing technology, it is quite possible that technically and economically practical reprocessing technology may appear within a few decades, with obvious impact on the need for a permanent repository.

The Energy Department has, in fact, been working toward a single monitored retrievable storage facility, using technology similar to one proven method Evans saw in Europe; dry storage in above-ground concrete casks. Such a facility would be located in Tennessee, close to more than 80 percent of the nation's commercial nuclear waste. But the current concept would involve only short-term storage and repackaging for shipment to a repository.

Bearing all this in mind, Evans is drafting an amendment to the federal law that led to the now-discredited search for a permanent repository. He envisions a search for up to four monitored retrievable storage sites, with states that would be home to them to be compensated by substantial cash payments taken from the utilities and ultimately the ratepayers who benefit from nuclear power. He also would have these sites function for a few decades instead of the much shorter term envisioned for the single site in Tennessee.

Evans' proposal makes a great deal of sense. In addition to the appeal of retrievable storage, which allows for correction of unanticipated problems, storage reasonably close to the plants where waste is produced diminishes the risks associated with highway transportation of this deadly cargo.

However, there remains a substantial political problem. Tennessee has fought long and hard against the proposed monitored retrievable storage site within its borders, and finding three more sites would be three times as difficult.

Still, Evans is onto something, and it merits serious consideration.

[From the Wenatchee World, May 1, 1987]

EVANS LEADS ON WASTE IDEA

(By Steve Lachowicz)

We need to keep encouraging Senator Dan Evans in his push to change the emphasis on nuclear waste from a permanent repository to a monitored retrivable storage (MRS) facility. A reliable temporary solution is better than an unreliable permanent one.

Monitored Retrievable Storage means nuclear waste would be put in an easy form for handling (perhaps glassified) and then stored in secure, radiation-proof structures where it could be monitored, instead of trying to stash it away permanently and remotely in some deep hole in the ground.

Evans has floated the MRS idea out around the North-west the past few months, and now he's finally announced he plans to

introduce a specific bill in Congress soon. The proposed legislation would establish up to four MRS facilities in different regions of the country and would likely provide each host state with lease payments that could exceed $100 million a year.

Here in Washington we could certainly put the money to good use.

Evans admits Hanford is a likely candidate to become one of these four MRS facilities because it already contains two-thirds of the nation's military radioactive wastes.

Having one of the MRS sites at Hanford should be no cause for alarm. If anything, it should be seen as an opportunity to be more aggressive in cleaning up existing wastes which are already causing problems there.

"We are doing a miserable job of handling waste at Hanford," Evans said at a press briefing a week ago. "We need an MRS or the defense equivalent of an MRS at Handford right now." Evans said constructing an MRS at Hanford would speed up cleaning efforts there while slowing down the nation's search for a permanent high-level nuclear repository.

As has been suggested numerous times before in this space, the idea of having several MRS sites designed to handle wastes for maybe 100 years or so would give us time to develop new technologies for the more permanent disposal of radioactive waste. Evans was apparently greatly encouraged by a recent visit he made to Sweden and France to look at their waste-handling techniques.

He told the press, "The trip strongly reinforced my view that we are going about it backwards here."

It borders on the nonsensical to delude ourselves that we can develop any system today which can be guaranteed not to fail for 10,000 years. But that's what we've been trying to do in seeking a site for a permanent underground repository. We could handle these wastes a lot more safety, a lot more inexpensively and a lot more confidently if we'd keep them on or near the surface in retrievable form which can be easily and constantly checked.

By spreading four sites around the country, we'd also be better preparing ourselves for sharing the ulitmate disposal responsibility nationwide, assuming it still involves some sort of geological burial. The East will be used to shipping and handling wastes in that part of the country, and the West, South and North might become equally comfortable doing the same thing.

This notion of monitored retrievable storage makes the most basic kind of sense. Unfortunately, as we've seen too many times before the Congress, that's no guarantee it will ever come close to passing.

At least we can give it our best shot. There's no one better than Dan Evans to lead the way.

WASHINGTON STATE LEGISLATURE,
Olympia, WA, May 11, 1987.

Hon. DANIEL J. EVANS,
U.S. Senator, Hart Senate Office Building, Washington, DC.

Subject: Nuclear Waste Policy Act.

DEAR SENATOR EVANS: There is now substantial evidence that the Nuclear Waste Policy Act is not working as planned. The nation is struggling to find a politically acceptable course for the long-term disposal of high-level nuclear waste. The time has come to revise the Act. We believe it might be fruitful to focus on a shorter term solution which keeps our long term options open. This solution could be a national regional system of Monitored Retrievable Storage. If done correctly, there could be substantial benefits to the state of Washington with such a system.

A study of a potential regional Monitored Retrievable Storage system would be worthwhile for Washington for these reasons:

1. Despite the best congressional intentions, defense waste cleanup is proceeding too slowly. Siting of an MRS facility at Hanford would provide leverage for cleanup of the defense waste located on the Reservation.

2. The proposed cutback in nuclear production at Hanford, including USDOE's projection for the N Reactor going off line in 1995, could lead to a loss of interest by USDOE in cleaning up the Reservation. Not only would an MRS help assure cleanup, it would also provide jobs for workers who might lose their production jobs. We estimate operating an MRS could provide as many as 1,200 jobs per year.

3. The nation is at a political impasse in the siting of a respository. Recent proposals include forcing a repository on a state which is bitterly opposed to it. This is not the basis for good policy making. If Washington were to participate in an interim solution for handling high-level waste through an MRS, this might help ease the way for a cooperative approach by other states to address this severe national problem.

4. In fact, the country just does not seem ready for the siting of a permanent repository. We might be far better off taking a modified approach, along the lines we see in Europe. The European model of interim storage of high level wastes seems to have avoided the public outrage which haunts our national search for a permanent repository.

5. An MRS at Hanford would accept wastes generated in the Northwest region, including WMP-2, Trojan, and the Idaho National Engineering Laboratory, as well as the defense wastes on the Hanford Reservation. The additional transportation risks to Washington associated with such a project would be small. A national regional system would reduce transportation risks for the foreseeable future, when compared to the current USDOE scenario of a single eastern MRS and a permanent Western repository.

6. Regional storage of high-level waste has the simple, but compelling, notion of equity. Those parts of the country which benefit from nuclear power, also generate wastes, should also own the responsibility for the safe storage of those wastes. Pitting the Eastern United States against the West, which seems to be our national policy, is not a responsible approach. Wastes should be handled by those who generate them.

We recognize, of course, that there are substantial risks involved in a regional MRS system, and in particular, siting a combined defense and commercial MRS at Hanford. Nevertheless, we believe that the idea warrants a hard look. We were pleased to note that Congressman Morrison recently persuaded a House Subcommittee on Energy Research and Development to add $5 million to an authorization bill for the study of a regional MRS.

We urge you to support this approach.

Thank you for your attention to our request. We look forward to learning your thinking on this matter.

Sincerely,

Senator Max E. Benitz, Representatives Shirley Hankins, Peter T. Brooks, Jim Jesernig, Senators Lois J. Stratton, Cliff Bailey, Jerry Saling, Representatives P.J. Gallagher, Fred O. May, Senator Irv Newhouse, Representatives Mike Todd, Seth Armstrong, Nancy Rust, Dick Nelson, Dick Barnes, Jolene Unsoeld, Ken G. Jacobsen, Louise Miller, John A. Moyer, Sim Wilson, and Senators Emilio Cantu, Bill Smitherman, Gary A. Nelson, Alan Bluechel, Brad Owen.

S. 1266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Level Radioactive Waste Storage Act of 1987".

SEC. 2. AUTHORIZATION OF MONITORED RETRIEVABLE STORAGE FACILITIES.

Subtitle C of title I of the Nuclear Waste Policy Act of 1982 is amended by—

(1) inserting after the caption for such subtitle the following:

"PART 1—SITING AND CONSTRUCTION OF THE FIRST MONITORED RETRIEVABLE STORAGE FACILITY";

and

(2) adding at the end thereof the following:

"PART 2—ADDITIONAL MONITORED RETRIEVABLE STORAGE FACILITIES

"FINDINGS

"SEC. 145. The Congress finds that —

"(1) the storage and disposal of high-level radioactive waste is a national problem that requires a partnership between Federal Government and States, local governments, and Indian tribes to resolve;

"(2) the present situation of the Federal nuclear waste program is in serious disarray and requires a substantial mid-course correction;

"(3) the location of storage and disposal sites for high-level radioactive waste should reflect, to the greatest extent possible, proximity to the beneficiaries of the generation of nuclear power for electricity;

"(4) each region of the country which benefits from the generation of nuclear power should equitably bear the full costs of the interim storage and long-term disposal of spent nuclear fuel through the siting and development of regional monitored retrievable storage facilities;

"(5) the storage of high-level radioactive waste in monitored retrievable storage facilities for a period of fifty years or more offers numerous technical advantages, including reduction in thermal load and radioactivity and substantial reductions in the final cost of geologic disposal;

"(6) a system of regional monitored retrievable storage facilities offers a safe and scientifically sound solution to resolve the institutional and technical questions regarding the safe storage of high-level radioactive waste while providing our society more time to resolve the long-term issues regarding permanent disposal;

"(7) thorough technical analysis and scientific credibility should be the basis and primary criteria for the guidelines for the selection of any nuclear waste disposal facility;

"(8) greater compensation, based on a long-term rental concept, should be offered to State and local governments following the selection of a technically sound site and licensing by the Commission;

"(9) high-level radioactive waste in the form of spent nuclear fuel contains a large source of valuable energy that future generations may wish to extract and make use of, therefore retrievability of the waste should be ensured in some manner; and

"(10) the reprocessing of spent nuclear fuel may offer significant long-term economic and environmental benefits by recycling valuable isotopes of high energy value and by closing the back end of the nuclear fuel cycle.

"SUSPENSION OF PERMANENT REPOSITORY ACTIVITIES UNTIL JANUARY 31, 1998

"SEC. 146. (a) SUSPENSION.—Upon the date of enactment of this part, the authority granted by the provisions of this Act with respect to the siting or construction of any repository, including the development of site characterization plans and any other activities, is revoked for a period beginning on the date of enactment of this part and ending January 31, 1998.

"(b) INTERIM REASSESSMENT OF POTENTIALLY SUITABLE REPOSITORY SITES—(1)(A) During the suspension period provided in subsection (a) the Secretary of the Interior shall conduct a national survey and prepare a list of potentially suitable sites for a deep geologic repository for high-level radioactive waste and spent nuclear fuel.

"(B) In conducting the survey, the Secretary of the Interior—

"(i) shall consider, but need not be limited to, the general guidelines specified in section 112(a);

"(ii) shall consider a diversity of geologic media, and include sites in various geologic media in the recommendation to the Department of Energy; and

"(iii) shall not favor Federal sites over non-Federal sites.

The list prepared pursuant to this subsection shall include at least 9 potentially suitable sites in at least 3 different geologic media for a geologic repository.

"(2) In addition to the survey required by paragraph (1), the Secretary shall conduct a study on the need for a second geologic repository based on the following factors:

"(A) the most recent data from the Department and other sources on spent nuclear fuel generation estimates;

"(B) the technical advantages afforded by the regional monitored retrievable storage facilities authorized pursuant to part 1; and

"(C) any technological or policy changes in waste management occurring in this period.

The study shall be submitted to the Congress January 1, 1998, along with the recommendations of the Secretary of the Interior for the characterization of a site for a second repository, if necessary.

"(3)(A) After receipt of recommendations of potentially suitable sites by the Secretary of the Interior pursuant to paragraph (1), and the Secretary of Energy pursuant to paragraph (2), the Secretary of Energy shall seek to enter into consultation and cooperation with States and Tribes.

"(B) On or before July 1, 1998, the President, based on recommendations of Secretary, shall recommend and submit to Congress at least one site for site characterization activities for a repository.

"(C) Along with such recommendation, the Secretary shall submit a revised timetable to the Congress for the characterization, licensing, and construction of such a repository. Such a recommendation will include necessary changes in legislation to accomplish the revised timetable for the development of one or more repositories.

"(D) If the study under paragraph (2) concludes there is a need for a second repository, the President, based on the recommendations of the Secretary, shall recommend at least one site for site characterization by July 1, 2003. Such a site shall be in a different geologic media from the first repository.

"AUTHORIZATION OF FACILITIES AND SITE SELECTION

"SEC. 147. (a) AUTHORIZATION.—(1) The Secretary of Energy is authorized to develop and construct within the United States 3 monitored retrievable storage facilities in addition to the facility described in part 1 for the storage of high-level radioactive waste and spent nuclear fuel to be selected and constructed in accordance with the provisions of section 141 and this part.

"(2) Each such facility shall be designed—

"(A) to accommodate spent nuclear fuel and high-level radioactive waste resulting from nuclear activities;

"(B) to permit continuous monitoring, management, and maintenance of such spent fuel and waste for the foreseeable future;

"(C) to provide for the ready retrieval of such spent fuel and waste for further processing or disposal; and

"(D) to safely store such spent fuel and waste as long as may be necessary by maintaining such facility through appropriate means, including any required replacement of such facility.

"(3) Nothing in this part shall be construed as affecting the siting and construction of the first monitored retrievable storage facility pursuant to part 1.

"(b) SITE SELECTION CRITERIA.—The sites for 3 additional monitored retrievable storage facilities authorized by subsection (a) shall be selected through the application of the following criteria:

"(1) Technical guidelines described in section 112(a) relating to geologic, seismic, hydrologic, geophysics, natural resource, and water supply considerations;

"(2) Proximity to the source and beneficiaries of the generation of nuclear power;

"(3) Minimizing transportation distances from the nuclear power facility to the monitored retrievable storage facility;

"(4) Existing Federal facilities shall be considered prior to non-Federal facilities including not only Department of Energy-owned but other Federal facilities; and

"(5) Commission licensed facilities, either operated or partially completed with only a construction license, shall be considered prior to consideration of other non-Federal sites.

"(c) LOCATION OF THREE ADDITIONAL SITES.—The Secretary shall select one site in 3 of the 4 following regions which do not contain the facility constructed pursuant to part 1:

"(1) Northeast Mid-Atlantic: Connecticut, Maine, Massachusetts, Rhode Island, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, and Maryland.

"(2) Southeast: Alabama, Florida, Georgia, Mississippi, North Carolina, Tennessee, South Carolina, Virginia, West Virginia, Louisiana, and Arkansas.

"(3) Midwest North Central: Indiana, Kansas, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Illinois, Kentucky, Oklahoma, Texas, North Dakota, South Dakota, and Iowa.

"(4) West Rocky Mountain: any State not included in clause (1), (2), and (3).

The regions created by this subsection reflect, to the greatest extent possible, the regional distribution of the electric generation of our Nation's commercial nuclear power at the date of enactment of this part.

"GUIDELINES

"SEC. 148. (a) PROMULGATION BY THE SECRETARY.—Within one year after the date of enactment of this part, the Secretary shall develop guidelines for the selection of 3 additional monitored retrievable storage facilities based on the criteria provided in section 141(b) and section 147(b) and submit such guidelines to the Administrator of the Environmental Protection Agency and the Commission for review.

"(b) EPA AND NRC REVIEW.—After receipt of the guidelines submitted pursuant to subsection (a), the Administrator of the Environmental Protection Agency and the Commission shall review the guidelines and within 18 months after the date of enactment of this part shall submit guideline modifications to the Secretary which shall be incorporated into the guidelines. The Secretary shall have the authority to resolve any inconsistencies among such recommendations.

"(c) COMPLETION OF GUIDELINES.—The Secretary shall issue final guidelines under this section within 2 years after the date of enactment of this part.

"IMPLEMENTATION AND CONSTRUCTION

"SEC. 149. (a) SITE SELECTION.—Using the guidelines developed pursuant to section 148, the Secretary shall—

"(1) three years after the date of enactment of this part develop and submit to Congress a list of all potentially suitable sites for a monitored retrievable storage facility, including commission-licensed facilities;

"(2) four years after the date of enactment of this part develop a proposal that recommends 3 sites for monitored retrievable storage facilities, one in each of the 3 regions described in section 147(c);

"(3) select a preferred site and 2 alternative sites within each region to be developed by Department of Energy in the proposal;

"(4) submit environmental assessments required by 141(c), along with proposals to Congress; and

"(5) consult with the States and affected Indian Tribes as provided in section 117 and enter into a binding written agreement prior to the initiation of construction activities.

"(b) CONSTRUCTION OF THREE ADDITIONAL MRS FACILITIES.—(1) Subject to the provisions of paragraph (2), the Secretary shall commence construction of the 3 monitored retrievable storage facilities authorized by this part 6 years after the date of enactment of this part. Facilities constructed under this part shall be completed and available for the acceptance of high-level radioactive waste and spent nuclear fuel by January 31, 2002. These activities shall be subject to appropriations pursuant to section 302(c).

"(2) Any construction commenced pursuant to paragraph (1) shall be subject to licensing by the Commission.

"(3) The requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply with respect to construction commenced pursuant to paragraph (1), except that any environmental impact statement prepared with respect to a facility shall not be required to consider the need for such facility or any alternative to the design criteria for such facility.

"(c) LIMITATION.—No repository may be constructed in any State in which there is

located a monitored retrievable storage facility developed pursuant to this subtitle.

"(d) WASTE WITHIN EACH REGION.—Upon the construction and commencement of operation of the 4 monitored retrievable storage facilities authorized by this subtitle, any high-level radioactive waste generated or located in one of the 4 regions described in section 147(c) shall thereafter be stored within such region.

"(e) STORAGE SITE ELECTION BY FACILITIES.—(1) Three years after the date of enactment of this part, each person who generates or holds title to high-level radioactive waste, or spent nuclear fuel, of domestic origin shall elect, with respect to such waste or fuel, to—

"(A) enter into a contract with the Secretary for the storage of such waste or fuel at a monitored retrievable storage facility developed pursuant to this subtitle; or

"(B) subject to approval by the Secretary and licensing and approval by the Commission, provide for the storage of such waste at the site of the generating facility.

"(2) At the end of the 3-year period provided in paragraph (1), the Secretary shall develop an estimate for each region of the amount of spent nuclear fuel designated for—

"(A) storage at a regional monitored retrievable storage facility; and

"(B) storage at the reactor site subject approval by Secretary and licensing by Commission.

"(3) Based on the estimate prepared under paragraph (2), the Secretary shall develop specific design and engineering criteria for the monitored retrievable storage facility in each region. Each such facility—

"(A) shall have a capacity of at least 15,000 metric tons of spent nuclear fuel or high-level radioactive waste; and

"(B) should be capable of storing such waste for 50 years after irradiation and removal from reactor core.

"(4) For those utilities who elect at-reactor storage under paragraph (1)(B), the Secretary may reduce the annual fee obligations for such utility to a level that will not adversely affect the activities of the Nuclear Waste Program necessary to carry out the goals of this Act. Such funding shall be no less than 25 percent of the current fee established by the Secretary.

"(5) The Secretary shall submit a new estimate of necessary funding for program activities and a list of utilities electing at-reactor storage in the annual fee adequacy report required under section 302(a)(4). Any reduced fee for utilities choosing the paragraph (1)(B) option shall be uniform and based on gross generation of electricity per kilowatt-hour.

"FINANCIAL ASSISTANCE AND FUNDING

"SEC. 150. (a) IMPACT ASSISTANCE AND FINANCIAL GRANTS.—The Secretary shall make grants to States and Tribes pursuant to the provisions of sections 116(c), 118(b), and 141(f) for assistance for the construction and operation of a monitored retrievable storage facility under this part. Payment pursuant to section 141(f) for the additional 3 facilities shall begin with the issuance of a license by the Commission for the facility.

"(b) LONG-TERM RENTAL BENEFITS.—(1) In addition to payments under subsection (a), States or Tribes which agree to accept a monitored retrievable storage facility pursuant to an agreement reached in accordance with the provisions of section 117 shall be eligible for compensation under the terms and conditions of sections 116(c), 118(b), and 141(f). Such compensation shall be in the form of annual spent fuel payments for which there is authorized to be appropriated $100,000,000 per year from the Nuclear Waste Fund subject to the provisions of section 302(c). Annual spent fuel payments will begin with the arrival of the first spent nuclear fuel shipments to such monitored retrievable storage facility.

"(2) If the first annual spent fuel payment under paragraph (1) is made within 6 months after the last annual payment prior to receipt of spent fuel, the first spent fuel payment shall be reduced by an amount equal to one-twelfth of such annual payment for each full month less than 6 that has not elapsed since the last annual payment.

"(3) Any State receiving payments under this section shall transfer not less than one-half of such payment to units of general local government affected by the monitored retrievable storage facility.

"(4) Annual spent fuel payments under paragraph (1) shall be made for the life of the monitored retrievable storage facility until closure and the commencement of decommissioning of the facility.".

SEC. 3. RESEARCH ON SUBSEABED AND OTHER ALTERNATIVE DISPOSAL METHODS.

Section 222 of title II of the Nuclear Waste Policy Act is amended to read as follows:

"SEC. 222. RESEARCH ON ALTERNATIVES FOR THE PERMANENT DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE.

"(a) CONTINUATION AND ACCELERATION OF PROGRAM.—The Secretary shall continue and accelerate a program of research, development, and demonstration of alternative methods and technologies for the permanent disposal of high-level radioactive waste and spent fuel, including subseabed disposal.

"(b) SUBSEABED CONSORTIUM.—(1) Within 60 days after the date of enactment of this section, the Secretary shall establish a university-based consortium involving leading oceanographic universities and institutions, national laboratories, and private research firms to investigate the feasibility of subseabed disposal. The Consortium shall be included in the office of Civilian Radioactive Waste Management under a new 'Office of Alternative Disposal Methods', which shall have an Associate Director. The Secretary shall seek cooperation of the National Academy of Sciences in reviewing the research plan and activities of the Consortium. The Secretary shall seek the maximum possible financial contribution from foreign governments for research activities carried out through international collaboration.

"(2) The Subseabed Consortium shall develop a research plan and budget to achieve the following objectives by 1995:

"(A) demonstrate the capacity to identify and characterize potential subseabed disposal sites;

"(B) develop conceptual designs for a subseabed disposal system, including estimated costs and institutional requirements; and

"(C) identify and assess the potential impacts of subseabed disposal on human health and the marine environment.

"(3) On or before December 31, 1995 or upon the date achieving the objectives of its research plan, whichever date is the earlier, the Subseabed Consortium shall prepare and submit to Congress a final report on the results of its research activities.

"(c) FUNDING.—(1) There is hereby authorized to be appropriated from the Nuclear Waste Fund $200,000,000 over an 8-year period beginning with the first fiscal year beginning after the date of enactment of this section—

"(A) of which $150,000,000 shall be available for the Subseabed Consortium in conducting the study required by subsection (b); and

"(B) of which $50,000,000 shall be available to the Secretary to fund studies for alternative high-level radioactive waste disposal systems other than subseabed disposal.

"(2) No funds may be appropriated or expended pursuant to paragraph (1)(A) unless the Secretary has made a determination that foreign governments are contributing an equitable share of funds to international subseabed disposal research and development.".

SEC. 4. RADIOACTIVE MATERIALS TRANSPORTATION.

Section 105 of the Hazardous Materials Transportation Act (Public Law 93-633; 49 U.S.C. 1804) is amended by adding at the end thereof the following new subsection:

"(d) PERMISSIBLE STATE REGULATION.—(1) Notwithstanding the authority granted under this section or any other provision of this Act, a State or political subdivision may regulate the transportation of hazardous materials within the jurisdiction of the State or political subdivision to the extent provided in paragraph (2).

"(2) A State or political subdivision of a State may regulate the transportation of hazardous materials by—

"(A) designating highway routes for transporting radioactive materials and restricting use of such routes by imposing rush-hour curfews for transporting wastes in urban areas, or completely banning transporting wastes through urban areas unless no practical alternative exists;

"(B) requiring transport permits and imposing transport fees, provided these are not shown to be unreasonable in amount in relation to the costs incurred by that State for emergency response preparation, inspection services, and enforcement;

"(C) requiring driver training on the hazards of radioactive materials and emergency procedures in the event of an accident involving these materials; and

"(D) requiring carriers to provide records of shipments which have moved through the territory of the State or local subdivision for the purpose of improving emergency response capabilities, as well as inspection and enforcement along frequently used routes.

In regulating the transportation of hazardous materials under this subsection, no State may pose an unreasonable burden on interstate commerce.".●

OLDER AMERICANS MONTH/NATIONAL NURSING HOME WEEK

● Mr. KERRY. Mr. President, the month of May is designated by Presidential proclamation as Older Americans Month." As part of Older Americans Month, we celebrated "National Nursing Home Week" beginning on Mother's Day, May 10 and running through May 16. The theme for the week, "discovering life's treasures" provided us with an opportunity to highlight the lifetime of experience that our nursing home residents have to share with the community. In that regard, I would like to take a moment

to commend the more than 750 nursing and rest homes in my home State of Massachusetts, along with the 55,000 nursing home residents and the more than 50,000 staff members who help care for them.

Mr. President, nursing homes are not the places that they were 10 or 15 years ago. There was a time when a nursing home represented a place where we sent our elders to fade away; a place where we "put" those who could no longer take care of themselves. Today, however, nursing homes are truly places for the living and more and more nursing home residents are playing a role in their own placement and treatment decisions and many of our nursing homes have developed close ties with their communities and serve as meeting places for community groups and civic organizations.

In Massachusetts, nursing homes constitute the second largest sector of the Massachusetts health care industry and employ 20 percent of all health care workers.

As we pay tribute to current nursing homes residents and staffs, we must bear in mind the need to provide for our nursing home residents of the future. The elderly population has grown much more rapidly in this century than has the remainder of the population. In addition, the "old-old, persons 85 and older are currently the fastest growing age group in the U.S. population. This startling pace of increase in the oldest segment of society has important implications regarding long-term care service utilization.

As legislators, we must seek to fully support and to coordinate the myriad of Federal programs that address the health care, income security nutrition and social service needs of our elderly, including Medicaid, Medicare, Social Security, the social services block grant [SSBG], the Older Americans Act and the supplemental security income [SSI] programs. We must seek to reduce continued cuts to our Medicare program, restrict increased costs to Medicare beneficiaries and address the quality of care issues raised by the prospective payment system. We must address the "spend down" requirement of our Medicaid Program that forces some of our elders to incur substantial debt in order to qualify for Medicaid long-term care services. In short, we must not retreat from meeting our Federal commitment to provide the appropriate resources and services to older Americans. As we continue to make the difficult budgetary choices in the months and years ahead, we must not forget the needs of our Nation's older Americans.

Mr. President, Older Americans Month gives us the opportunity to pay tribute to the contributions, past as well as present, of our Nation's elderly. This year's theme, "make your community work for older people," is particularly appropriate since so many of our senior citizens continue to make positive contributions to their individual communities and help to improve the quality of life for all of us. We must ensure that our communities, with the leadership and support from the Congress and the administration, continue to work for and with our senior citizens.

I would like to commend this country's older citizens and all the organizations that participated in this year's Older Americans Month activities. From Berkshire County to Barnstable County—in cities and towns throughout Massachusetts, our older citizens continue to exemplify the spirit and the courage that have made our Nation strong. Their achievements, contributions, wisdom and guidance should be commended. As the turn of the century poet Robinson Jeffers noted, "lend me the stone strength of the past and I will lend you the wings of the future." Our elders represent the strength of our past, the courage of our present and the wings of our future. It is with deep gratitude to each and every one of them that we commemorate Older Americans Month.●

ORDER OF BUSINESS

(The remarks of Mr. MATSUNAGA at this point are printed under Statements on Introduced Bills and Joint Resolutions.)

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:01 p.m., adjourned until Friday, May 29, 1987, at 9:30 a.m.